

AMENDED IN ASSEMBLY APRIL 20, 2022

AMENDED IN ASSEMBLY APRIL 18, 2022

AMENDED IN ASSEMBLY MARCH 24, 2022

CALIFORNIA LEGISLATURE—2021–22 REGULAR SESSION

ASSEMBLY BILL

No. 1936

Introduced by Assembly Members ~~Bennett, Bryan, Carrillo, Cristina Garcia, Gipson, Mathis, Quirk-Silva, Ramos, Ting and Villapudua Ramos and Ting~~

(Principal coauthors: Assembly Members Bennett, Bryan, Carrillo, Cristina Garcia, Gipson, Mathis, Quirk-Silva, and Villapudua)

(Coauthors: Assembly Members Eduardo Garcia and Robert Rivas)

(Coauthors: Senators ~~Archuleta, Gonzalez, and Rubio~~) Archuleta and Gonzalez)

February 10, 2022

An act to amend Section 1245.210 of the Code of Civil Procedure, to amend Sections 17200, 44320, 66022, 67346.5, 67347.7, 67358.1, 67358.4, 67380, 67385, 67391, 68052, 68120, 68120.3, 68120.7, 68121, 92200, 92204, 92205, 92205.5, 92206, 92214, 92215, 92630.5, 94110, 99275, 99277, 100110, 100120, 100450, 100460, 100510, 100650, 100652, 100710, 100745, 100850, 100852, 100910, 100945, 101040, 101041, 101051, and 101057 of, and to amend the heading of Article 1 (commencing with Section 92200) of Chapter 3 of Part 57 of Division 9 of Title 3 of, the Education Code, to amend Sections 3527, 3560, 3561, 3562, 3572.3, 3580.3, 3592, 3593, 8248, 8880.5, 11012, 11346.3, 14685, and 15855 of the Government Code, to amend Section 53533 of the Health and Safety Code, and to amend Section 830.4 of the Penal Code, relating to the University of California.

LEGISLATIVE COUNSEL'S DIGEST

AB 1936, as amended, *Bennett Ramos*. University of California: Hastings College of the Law.

The California Constitution provides 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. Existing law establishes the Hastings College of the Law, under the governance of an 11-member Board of Directors of the Hastings College of the Law, within the University of California. Existing law provides that the college shall forever be known and designated as the Hastings College of the Law. Under existing law, six directors constitutes a quorum for the transaction of all business of the college's board of directors. Existing law requires one of the directors to always be an heir or representative of Serranus Clinton (S.C.) Hastings and all other directors to serve 12-year terms. Existing law requires vacancies occurring in the board of directors other than the death or resignation of the heir or representative of S.C. Hastings to be filled by the Governor and approved by the Senate.

This bill would instead require the Board of Directors of the college, Round Valley Tribal Council, and Yuki Indian Committee to determine the new name of the college, as provided. The bill would rename the Board of Directors of the Hastings College of the Law as the Board of Directors of the college to be named by the board of directors, Round Valley Tribal Council, and Yuki Indian Committee. The bill would make conforming changes. The bill would specify that a majority of directors constitutes a quorum for the transaction of all of the board of directors' business, and would require all directors to serve 12-year terms, except as provided. The bill would require all vacancies occurring on the board of directors, including a vacancy of the heir or representative of S.C. Hastings, to be filled by the Governor and approved by the Senate.

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. The Legislature finds and declares all of the
2 following:

3 (a) On March 26, 1878, the Legislature approved an act (the
4 “Original Act”) to create Hastings’ College of the Law, in the
5 University of the State of California.

6 (b) The Original Act authorized Serranus Clinton Hastings
7 (“S.C. Hastings”) to found and establish a law college known as
8 Hastings College of the Law (the “College”).

9 (c) The object of the Original Act was for the state to grant a
10 perpetual annuity for the support and maintenance of the College.

11 (d) The Original Act provided that S.C. Hastings would pay
12 into the State Treasury the sum of \$100,000, and that amount is
13 never to be refunded, except as provided in the Original Act.

14 (e) S.C. Hastings completed the payment of \$100,000 specified
15 in the Original Act on May 24, 1878.

16 (f) The Original Act required the state to appropriate the sum
17 of seven percent per annum upon \$100,000 to be paid in two
18 semiannual payments to the Board of Directors of the College.

19 (g) In each year since 1878, the state has appropriated and paid,
20 in semiannual payments to the Board of Directors of the College,
21 a sum equal to or greater than seven percent per annum upon
22 \$100,000.

23 (h) The College was established in 1878, and has continued to
24 exist ever since without interruption.

25 (i) The Original Act stated that the College was to be designated
26 as Hastings’ College of the Law.

27 (j) The Legislature previously amended the Original Act in
28 1907, in 1943, in 1959, in 1976, in 1980, and in 1992 (as amended,
29 the “Act”), and the Act currently is codified in Article 1
30 (commencing with Section 92200) of Chapter 3 of Part 57 of
31 Division 9 of Title 3 of the Education Code.

32 (k) In September 2020, the College completed a three-year
33 project to examine founder S.C. Hastings’ involvement in mass
34 killings of Native Americans in California’s Eden and Round
35 Valleys before the College’s founding.

36 (l) The project determined that the founder of the College, S.C.
37 Hastings, perpetrated genocidal acts against Native California
38 Indigenous Peoples, most especially the Yuki Tribe, in the 1850s

1 in the Eden Valley and Round Valley areas in the County of
2 Mendocino.

3 (m) For a period of four years preceding this act, the College
4 collaborated with the Round Valley Indian Tribes Tribal Council
5 and Yuki Tribal members in pursuit of restorative justice. As one
6 of several restorative justice actions, on November 2, 2021, the
7 Board of Directors of the College unanimously authorized that the
8 name of the College be changed.

9 (n) In connection with the name change authorization, the Board
10 of Directors of the College determined that changing the name of
11 the College is in the best interests of the continuation of the College
12 in perpetuity, and is an element of the College's ongoing work to
13 address the needs of the current generation of Yuki Tribal members
14 and the College's legal community.

15 (o) An act of the Legislature is needed to change the name of
16 the College.

17 (p) S.C. Hastings, founder of the Hastings College of the Law,
18 promoted and financed Native American hunting expeditions in
19 the Eden and Round Valleys, funding bounties resulting in the
20 massacre of hundreds of Yuki men, women, and children.

21 (q) S.C. Hastings enriched himself through the seizure of large
22 parts of these lands and financed the college of the law bearing
23 his namesake with a \$100,000 donation.

24 (r) S.C. Hastings and the state bear significant responsibility
25 for the irreparable harm caused to the Yuki people and the Native
26 American people of the state.

27 (s) The state has formally apologized to the Native American
28 people of the state for the genocide financed and perpetrated by
29 the state.

30 (t) S.C. Hastings name must be removed from the College to
31 end this injustice and begin the healing process for the crimes of
32 the past.

33 SEC. 2. (a) As used in this section, "College" means the
34 college named in Section 92200 of the Education Code.

35 (b) It is the intent of the Legislature to ensure that the College
36 achieves all of the following:

37 (1) Assists in the formation of a nonprofit organization, as
38 described in subsection (c) of Section 501 of the Internal Revenue
39 Code, in association with, and jointly governed by, Yuki
40 descendants selected by the government of the Round Valley Indian

1 Tribes to provide an organizational structure to raise capital,
2 organize pro bono legal assistance and other support, and assist
3 tribal leadership with federal, state, and county matters, water and
4 property rights, economic development, and efforts to meet the
5 social needs of the community. The College's responsibilities
6 extend only to assisting in the formation of the nonprofit
7 organization, and will not otherwise involve its governance or the
8 ongoing operations of the organization.

9 (2) Seeks to organize, through the College's Indigenous Law
10 Center or other administrative offices, as appropriate, pro bono
11 legal assistance and other support, and assist tribal leadership with
12 federal, state, and county matters, water and property rights,
13 economic development, tribal courts, and efforts to meet the social
14 and security needs of the community.

15 (3) Works with interested public and private parties or entities
16 to develop scholarship assistance for duly admitted law students
17 at the college that are members of Round Valley Indian Tribes, a
18 federally recognized tribal government. These funds may be used
19 to offset tuition, housing costs, and other incidentals for Round
20 Valley Indian Tribes tribal members admitted to the law school.

21 (4) Dedicates a permanent and public memorial, and other
22 displays, as appropriate, to the Yuki people at an appropriate
23 location on its campus, with display panels, historical explanations,
24 and cultural presentations. This memorial should acknowledge
25 and atone for the historical traumas suffered by the Yuki people.

26 (5) Provides a fully functional, interactive public internet website
27 to allow dissemination of the College's approach, to seek public
28 input, and to keep the public advised of historical, academic, and
29 programmatic work to address the broader issues and the restorative
30 justice agenda. A page on this internet website shall be dedicated
31 to the College's work with Round Valley Indian Tribes and the
32 Yuki people.

33 (6) Establishes clinical or experiential educational programs for
34 its students, one that may serve as a model for other law schools,
35 to address the specific needs of the residents of the Round Valley,
36 including the possibility of a center for pro bono legal assistance
37 in tribal legal matters and public law assistance that could be
38 staffed with student interns, faculty leadership, and pro bono
39 contributors.

1 (7) Collaborates with Governor Newsom’s Tribal Advisor to
2 engage with, and contribute to, that office and the newly formed
3 Truth and Healing Council, which is working to clarify the
4 historical record of mistreatment, violence, and neglect of Native
5 Americans in California.

6 (8) Assists in the organization of pro bono attorneys with a
7 connection to the College to assist in mutually agreed upon goals
8 and objectives.

9 (9) Assists tribal leaders, where possible, with other community
10 needs, such as making connections to the College’s award-winning
11 moot court program, preservation of the Yuki legacy with an
12 emphasis on youth, preservation of tribal oral traditions and stories,
13 and advancement in teaching and preserving native languages.

14 (10) Assists, as appropriate, with the legal aspects of establishing
15 a museum or cultural center in the Round Valley, and a project for
16 the protection of sacred sites and repatriation of artifacts and human
17 remains.

18 (11) Highlights the injustices of the past by bringing attention
19 to the public at large and the College’s community with a lecture
20 series, guest speakers, and tribal elders, dealing with “Righting
21 the Wrongs.”

22 (12) Supports collaboration by assisting tribal members to obtain
23 grant opportunities from public and private sources, including
24 identifying grants for economic development.

25 (13) Establishes an Indian Law Program and related academic
26 and educational programs at the College, available to all students
27 interested in studying Indian Law. The goal of these programs is
28 the encouragement of scholarship, educational growth, opportunity
29 and support for students, and recruitment of qualified individuals
30 from the Round Valley Tribes or Yuki descendants for legal
31 education and career opportunities in law.

32 (14) Assists, as appropriate to the work of a law school, with
33 the revitalization and preservation of Yuki history and language
34 efforts.

35 (15) Provides academic support, as needed, to Round Valley
36 Indian Tribes students attending the College.

37 (16) Creates a working group consisting of members of the
38 College’s Restorative Justice Advisory Board and members of the
39 Yuki Indian Committee to define the content to be placed in the
40 commemorative space reserved for this purpose at the College.

1 (17) Assists tribal leadership with understanding the federal
2 Native American Graves Protection and Repatriation Act (25
3 U.S.C. Sec. 3001 et seq.) and the California Native American
4 Graves Protection and Repatriation Act of 2001 (Chapter 5
5 (commencing with Section 8010) of Part 2 of Division 7 of the
6 Health and Safety Code) laws.

7 (18) Engages in ongoing relationship building between the
8 Round Valley Indian Tribes and the Yuki people, submitting
9 reports to the Legislature, and the Assembly Select Committee on
10 Native American Affairs.

11 (19) An apology from the College, the S.C. Hastings family,
12 and all of those associated with the genocide of the Yuki people.

13 (20) Grants a seat on the College's commemorative committee
14 to a representative of the Yuki people. The College shall create a
15 subcommittee of the commemorative committee with Yuki Indian
16 representation.

17 (21) The College and the Board of Directors provides resources
18 for restorative justice to the extent required by law, and, when not
19 required by law, assists in restorative justice policies.

20 SEC. 3. Section 1245.210 of the Code of Civil Procedure is
21 amended to read:

22 1245.210. As used in this article, "governing body" means:

23 (a) In the case of a taking by a local public entity, the legislative
24 body of the local public entity.

25 (b) In the case of a taking by the Sacramento and San Joaquin
26 Drainage District, the Central Valley Flood Protection Board.

27 (c) In the case of a taking by the State Public Works Board
28 pursuant to the Property Acquisition Law (Part 11 (commencing
29 with Section 15850) of Division 3 of Title 2 of the Government
30 Code), the State Public Works Board.

31 (d) In the case of a taking by the Department of Fish and
32 Wildlife pursuant to Section 1348 of the Fish and Game Code, the
33 Wildlife Conservation Board.

34 (e) In the case of a taking by the Department of Transportation
35 (other than a taking pursuant to Section 21633 of the Public
36 Utilities Code or Section 30100 of the Streets and Highways Code),
37 the California Transportation Commission.

38 (f) In the case of a taking by the Department of Transportation
39 pursuant to Section 21633 of the Public Utilities Code, the
40 California Transportation Commission.

(g) In the case of a taking by the Department of Transportation pursuant to Section 30100 of the Streets and Highways Code, the California Transportation Commission.

(h) In the case of a taking by the Department of Water Resources, the California Water Commission.

(i) In the case of a taking by the University of California, the Regents of the University of California.

(j) In the case of a taking by the State Lands Commission, the State Lands Commission.

(k) In the case of a taking by the college named in Section 92200 of the Education Code, the board of directors of that college.

(l) In the case of a taking by the High-Speed Rail Authority, the State Public Works Board.

SEC. 4. Section 17200 of the Education Code is amended to read:

17200. As used in this chapter, unless the context requires otherwise, the following definitions apply:

(a) “Applicant” means a community college district, a campus of the California State University, a campus of the University of California, which may include the college named in Section 92200, or a partnership of campuses across and within the public higher education segments. “Applicant” also means the Office of the Chancellor of the California Community Colleges on behalf of one or more community college districts, the Office of the Chancellor of the California State University on behalf of one or more campuses of the California State University, or the Office of the President of the University of California on behalf of one or more campuses of the University of California.

(b) “Campus” means a community college district, a campus of the California State University, or a campus of the University of California, which may include the college named in Section 92200.

(c) “Capacity expansion projects” means projects that expand the ability of a four-year public postsecondary educational institution to support future California resident enrollment growth.

(d) “Low-income student” means either of the following:

(1) A student who is eligible to receive one or more of the following:

(A) Pell Grant financial aid under the federal Pell Grant program (20 U.S.C. Sec. 1070a).

1 (B) A Cal Grant under Chapter 1.7 (commencing with Section
2 69430) of Part 42 of Division 5 of Title 3.

3 (C) An exemption from paying nonresident tuition pursuant to
4 Section 68130.5 provided that the student also meets income
5 criteria applicable to the California Dream Act application.

6 (D) A fee waiver from a California Community College pursuant
7 to Section 76300.

8 (2) A graduate student with income and asset levels that would
9 qualify for one or more of the benefits in subparagraphs (A)
10 through (D), inclusive, as determined by the campus at which the
11 student is enrolled.

12 (e) “Public-private partnership” means a long-term agreement
13 between a segment and the private sector for purposes of a student
14 housing project, including, but not limited to, studying, planning,
15 designing, constructing, developing, financing, operating,
16 maintaining, or any combination thereof, a student housing project.

17 (f) “Segment” means the public higher education segments of
18 California, which are the University of California, the California
19 State University, or the California Community Colleges.

20 (g) “Student housing project” means one or more housing
21 facilities to be occupied by students of one or more campuses.
22 These facilities may include, but are not necessarily limited to,
23 dining, academic and student support service spaces, basic needs
24 centers, student healthcare services, and other necessary and usual
25 attendant and related facilities and equipment.

26 SEC. 5. Section 44320 of the Education Code is amended to
27 read:

28 44320. (a) Professional preparation, including student teaching,
29 shall be made available in the upper division course offerings at
30 all California public institutions of higher learning, except the
31 California Maritime Academy and the college named in Section
32 92200. No more than nine semester units, or the equivalent, of
33 professional education courses may be designated as prerequisites
34 for purposes of admission to student teaching, except that, to satisfy
35 the English language requirement as set forth in paragraph (3) of
36 subdivision (b) of Section 44259, candidates may be required to
37 take 12 semester units, or the equivalent, as professional education
38 prerequisites to student teaching.

39 (b) The commission shall encourage postsecondary institutions
40 that offer programs of professional preparation to collaborate with

1 school districts, county offices of education, and professional
2 organizations in the design and delivery of local programs to
3 function as part of the California Beginning Teacher Support and
4 Assessment Program pursuant to Section 44279.2. If local
5 educational agencies and institutions of higher education
6 voluntarily agree to implement the program, the following
7 provisions shall apply to each collaborative effort:

8 (1) Postsecondary institutions and local education agencies shall
9 coordinate and articulate the program of professional preparation
10 and the California Beginning Teacher Support and Assessment
11 Program, so the two programs provide continuity in the preparation,
12 support, and assessment of beginning teachers.

13 (2) At the discretion of a postsecondary institution that
14 participates in a collaborative effort, the program of professional
15 preparation may be submitted to the commission for approval as
16 a program of preparation, support, and assessment that is at least
17 two years long.

18 (3) In each program of preparation, support, and assessment,
19 the postsecondary institution shall make it possible for each
20 candidate to complete all requirements for a valid teaching
21 credential in the equivalent of one year of full-time study.

22 (4) A postsecondary institution that participates in a
23 collaborative effort may, at its discretion, determine that successful
24 completion of the support and assessment components of an
25 articulated program of professional preparation, support, and
26 assessment fulfills some or all of the requirements of subdivision
27 (c) of Section 44259, and may accordingly recommend applicants
28 for the professional teaching credential. The standards and criteria
29 for making these determinations and recommendations shall be
30 included in the institution's proposal for a program.

31 (5) A local educational agency that collaborates, at its own
32 discretion, with a postsecondary education institution in the design
33 and delivery of an articulated program of professional preparation,
34 support, and assessment that meets the standards and criteria
35 pursuant to subdivision (c) of Section 44279.2, and that receives
36 funds pursuant to the annual Budget Act, may contract with the
37 postsecondary institution to pay the institution's costs of designing
38 and delivering the support and assessment components of the
39 program.

1 (c) Local educational agencies that are approved by the
2 commission to provide programs of personalized preparation to
3 candidates for designated subjects teaching credentials are
4 encouraged to participate in the design and delivery of local
5 programs under the California Beginning Teacher Support and
6 Assessment Program pursuant to Article 4.5 (commencing with
7 Section 44279.2), in a manner consistent with subdivision (b).

8 (d) Before admission to either student teaching under any
9 professional preparation program approved by the commission,
10 or participation in a field experience program as described in
11 Section 44324, a candidate for a credential shall obtain a certificate
12 of clearance from the commission which shall be issued when the
13 commission has verified the candidate's personal identification
14 and health status. The fee for the certificate of clearance shall not
15 exceed one-half of the regular fee for a credential and shall be
16 deducted from the fee for the initial credential applied for by the
17 certificate holder.

18 SEC. 6. Section 66022 of the Education Code is amended to
19 read:

20 66022. (a) The governing board of every community college
21 district, the Trustees of the California State University, the Regents
22 of the University of California, and the Board of Directors of the
23 college named in Section 92200 shall adopt regulations providing
24 for the withholding of institutional services from students or former
25 students who have been notified in writing at the student's or
26 former student's last known address that they are in default on a
27 loan or loans under the Federal Family Education Loan Program.

28 "Default," for purposes of this section, means the failure of a
29 borrower to make an installment payment when due, or to meet
30 other terms of the promissory note under circumstances where the
31 guarantee agency finds it reasonable to conclude that the borrower
32 no longer intends to honor the obligation to repay, provided that
33 this failure persists for 180 days for a loan repayable in monthly
34 installments, or 240 days for a loan repayable in less frequent
35 installments.

36 (b) (1) The regulations adopted pursuant to subdivision (a) shall
37 provide that the services withheld may be provided during a period
38 when the facts are in dispute or when the student or former student
39 demonstrates to either the governing board of the community
40 college district, the Trustees of the California State University, the

1 Regents of the University of California, or the Board of Directors
2 of the college named in Section 92200, as appropriate, or to the
3 Student Aid Commission, or both the Student Aid Commission
4 and the appropriate entity or its designee, that reasonable progress
5 has been made to repay the loan or that there exists a reasonable
6 justification for the delay as determined by the institution. The
7 regulations shall specify the services to be withheld from the
8 student and may include, but are not limited to, the following:

9 (A) The provision of grades.

10 (B) The provision of diplomas.

11 (2) The adopted regulations shall not include the withholding
12 of registration privileges or transcripts.

13 (c) When it has been determined that an individual is in default
14 on a loan or loans specified in subdivision (a), the Student Aid
15 Commission shall give notice of the default to all institutions
16 through which that individual acquired the loan or loans.

17 (d) This section shall not impose any requirement upon the
18 University of California or the college named in Section 92200
19 unless the Regents of the University of California or the Board of
20 Directors of the college named in Section 92200, respectively, by
21 resolution, make this section applicable.

22 (e) Guarantors, or those who act as their agents or act under
23 their control, who provide information to postsecondary educational
24 institutions pursuant to this section, shall defend, indemnify, and
25 hold harmless the governing board of every community college
26 district, the Trustees of the California State University, the Regents
27 of the University of California, and the Board of Directors of the
28 college named in Section 92200 from action resulting from
29 compliance with this section when the action arises as a result of
30 incorrect, misleading, or untimely information provided to the
31 postsecondary educational institution by the guarantors, their
32 agents, or those acting under the control of the guarantors.

33 SEC. 7. Section 67346.5 of the Education Code is amended to
34 read:

35 67346.5. (a) The committee shall be and is hereby authorized
36 to create a debt or debts, liability or liabilities, of the State of
37 California pursuant to this chapter for the purpose of funding aid
38 to the University of California, the California State University, the
39 California Community Colleges, and the college named in Section
40 92200, and the California Maritime Academy for the construction,

1 including the construction of buildings and the acquisition of
2 related fixtures, the construction or improvement of off-campus
3 facilities of the California State University approved by the
4 Trustees of the California State University on or before July 1,
5 1990, renovation, and reconstruction of facilities, for the acquisition
6 of sites upon which these facilities are to be constructed, and for
7 the equipping of new, renovated, or reconstructed facilities, and
8 to provide funds for payment of preconstruction costs, including,
9 but not limited to, preliminary plans and working drawings. The
10 addition of the college named in Section 92200 to this section is
11 not intended to mark a change from the funding authorizations
12 made by Section 67354, as contained in the Higher Education
13 Facilities Bond Act of 1986, or Section 67334, as contained in the
14 Higher Education Facilities Bond Act of 1988, but is intended to
15 more clearly state what was intended by the Legislature in those
16 sections as well.

17 (b) Moneys made available under Section 67347.5 or 67347.7
18 may be used to provide short-term loans to community colleges
19 for the purchase of instructional equipment. Those loans shall be
20 repaid from the first moneys available in the Capital Outlay Fund
21 for Public Higher Education beginning in the 1990–91 fiscal year,
22 or from proceeds of the bonds.

23 SEC. 8. Section 67347.7 of the Education Code is amended to
24 read:

25 67347.7. (a) The board may request the Pooled Money
26 Investment Board for a loan from the Pooled Money Investment
27 Account, in accordance with Section 16312 of the Government
28 Code, and may execute those documents required by the Pooled
29 Money Investment Board to obtain and repay the loan. The loan
30 shall be deposited in the fund for the purpose of carrying out the
31 provisions of this chapter. The amount of the loan shall not exceed
32 the amount of the unsold bonds that the committee, by resolution,
33 has authorized to be sold for the purposes of this chapter.

34 (b) For the purposes of requesting Pooled Money Investment
35 Board loans in accordance with this section, “board” means: the
36 President of the University of California, the Dean of the college
37 named in Section 92200, the Chancellor of the California State
38 University, the President of the California Maritime Academy,
39 and the Chancellor of the California Community Colleges, each
40 acting independently on their own behalf.

1 SEC. 9. Section 67358.1 of the Education Code is amended to
2 read:

3 67358.1. The Legislature finds and declares all of the following:

4 (a) California's economic and social prosperity relies on a higher
5 education system that keeps pace with California's growth. In the
6 coming decades, the state's economic prosperity will depend on
7 increasing the productivity of the work force and on the ability to
8 compete successfully in the world marketplace.

9 (b) The system of public higher education in this state includes
10 the University of California containing 9 campuses, the California
11 State University containing 20 campuses, the California
12 Community Colleges consisting of 71 districts containing 107
13 campuses, the college named in Section 92200, the California
14 Maritime Academy, and their respective off-campus centers. Each
15 of these institutions plays a vital role in maintaining California's
16 dominance in higher education in the United States.

17 (c) Over the last several years, studies have been completed by
18 the University of California, the California State University, and
19 the California Community Colleges to assess their long-term and
20 short-term capital needs. Those studies demonstrate that the
21 long-term and short-term needs total, in the aggregate, several
22 billion dollars.

23 (d) The purpose of the Higher Education Facilities Bond Act
24 of June 1992 is to assist in meeting the capital outlay financing
25 needs of California's public higher education system.

26 SEC. 10. Section 67358.4 of the Education Code is amended
27 to read:

28 67358.4. The committee shall be and is hereby authorized to
29 create a debt or debts, liability or liabilities, of the State of
30 California pursuant to this chapter for the purpose of funding aid
31 to the University of California, the California State University, the
32 California Community Colleges, the college named in Section
33 92200, and the California Maritime Academy for the construction,
34 including the construction of buildings and the acquisition of
35 related fixtures; the equipping of new, renovated, or reconstructed
36 facilities; funding for the payment of preconstruction costs,
37 including, but not limited to, preliminary plans and working
38 drawings; renovation and reconstruction of facilities; and the
39 construction or improvement of off-campus facilities of the
40 California State University approved by the Trustees of the

1 California State University on or before July 1, 1990, including
2 the acquisition of sites upon which these facilities are to be
3 constructed.

4 The addition of the college named in Section 92200 to this
5 section is not intended to mark a change from the funding
6 authorizations made by Section 67354, as contained in the Higher
7 Education Facilities Bond Act of 1986, or Section 67334, as
8 contained in the Higher Education Facilities Bond Act of 1988,
9 but is intended to state more clearly what was intended by the
10 Legislature in those sections as well.

11 SEC. 11. Section 67380 of the Education Code, as amended
12 by Section 74 of Chapter 615 of the Statutes of 2021, is amended
13 to read:

14 67380. (a) Except as provided in subparagraph (C) of
15 paragraph (6), the governing board of each community college
16 district, the Trustees of the California State University, the Board
17 of Directors of the college named in Section 92200, the Regents
18 of the University of California, and the governing board of any
19 postsecondary educational institution receiving public funds for
20 student financial assistance shall do all of the following:

21 (1) Require the appropriate officials at each campus within their
22 respective jurisdictions to compile records of both of the following:

23 (A) All occurrences reported to campus police, campus security
24 personnel, or campus safety authorities of, and arrests for, crimes
25 that are committed on campus and that involve violence, hate
26 violence, theft, destruction of property, illegal drugs, or alcohol
27 intoxication.

28 (B) All occurrences of noncriminal acts of hate violence reported
29 to, and for which a written report is prepared by, designated campus
30 authorities.

31 (2) Require any written record of a noncriminal act of hate
32 violence to include, but not be limited to, the following:

33 (A) A description of the act of hate violence.

34 (B) Victim characteristics.

35 (C) Offender characteristics, if known.

36 (3) (A) Make the information concerning the crimes compiled
37 pursuant to subparagraph (A) of paragraph (1) available within
38 two business days following the request of any student or employee
39 of, or applicant for admission to, any campus within their respective
40 jurisdictions, or to the media, unless the information is the type of

1 information exempt from disclosure pursuant to Article 1
2 (commencing with Section 7923.600) of Chapter 1 of Part 5 of
3 Division 10 of Title 1 of the Government Code, in which case the
4 information is not required to be disclosed. Notwithstanding Article
5 1 (commencing with Section 7923.600) of Chapter 1 of Part 5 of
6 Division 10 of Title 1 of the Government Code, the name or any
7 other personally identifying information of a victim of any crime
8 defined by Section 243.4, 261, 262, 264, 264.1, 273a, 273d, 273.5,
9 286, 287, 288, 289, 422.6, 422.7, or 422.75 of, or former Section
10 288a of, the Penal Code shall not be disclosed without the
11 permission of the victim, or the victim's parent or guardian if the
12 victim is a minor.

13 (B) For purposes of this paragraph and subparagraph (A) of
14 paragraph (1), the campus police, campus security personnel, and
15 campus safety authorities described in subparagraph (A) of
16 paragraph (1) shall be included within the meaning of "state or
17 local police agency" and "state and local law enforcement agency,"
18 as those terms are used in Article 1 (commencing with Section
19 7923.600) of Chapter 1 of Part 5 of Division 10 of Title 1 of the
20 Government Code.

21 (4) Require the appropriate officials at each campus within their
22 respective jurisdictions to prepare, prominently post, and copy for
23 distribution on request, a campus safety plan that sets forth all of
24 the following: the availability and location of security personnel,
25 methods for summoning assistance of security personnel, any
26 special safeguards that have been established for particular facilities
27 or activities, any actions taken in the preceding 18 months to
28 increase safety, and any changes in safety precautions expected to
29 be made during the next 24 months. For purposes of this section,
30 posting and distribution may be accomplished by including relevant
31 safety information in a student handbook or brochure that is made
32 generally available to students.

33 (5) Require the appropriate officials at each campus within their
34 respective jurisdictions to report information compiled pursuant
35 to paragraph (1) relating to hate violence to the governing board,
36 trustees, board of directors, or regents, as the case may be. The
37 governing board, trustees, board of directors, or regents, as the
38 case may be, shall, upon collection of that information from all of
39 the campuses within their jurisdiction, make a report containing a
40 compilation of that information available to the general public on

1 the internet website of each respective institution. It is the intent
2 of the Legislature that the governing board of each community
3 college district, the Trustees of the California State University, the
4 Board of Directors of the college named in Section 92200, the
5 Regents of the University of California, and the governing board
6 of any postsecondary educational institution receiving public funds
7 for student financial assistance establish guidelines for identifying
8 and reporting occurrences of hate violence. It is the intent of the
9 Legislature that the guidelines established by these institutions of
10 higher education be as consistent with each other as possible. These
11 guidelines shall be developed in consultation with the Department
12 of Fair Employment and Housing and the California Association
13 of Human Relations Organizations.

14 (6) (A) Notwithstanding Article 1 (commencing with Section
15 7923.600) of Chapter 1 of Part 5 of Division 10 of Title 1 of the
16 Government Code, require any report made by a victim or an
17 employee pursuant to Section 67383 of a Part 1 violent crime,
18 sexual assault, or hate crime, as described in Section 422.55 of the
19 Penal Code, received by a campus security authority and made by
20 the victim for purposes of notifying the institution or law
21 enforcement, to be immediately, or as soon as practicably possible,
22 disclosed to the local law enforcement agency with which the
23 institution has a written agreement pursuant to Section 67381
24 without identifying the victim, unless the victim consents to being
25 identified after the victim has been informed of the victim's right
26 to have the victim's personally identifying information withheld.
27 If the victim does not consent to being identified, the alleged
28 assailant shall not be identified in the information disclosed to the
29 local law enforcement agency, unless the institution determines
30 both of the following, in which case the institution shall disclose
31 the identity of the alleged assailant to the local law enforcement
32 agency and shall immediately inform the victim of that disclosure:

33 (i) The alleged assailant represents a serious or ongoing threat
34 to the safety of students, employees, or the institution.

35 (ii) The immediate assistance of the local law enforcement
36 agency is necessary to contact or detain the assailant.

37 (B) The requirements of this paragraph shall not constitute a
38 waiver of, or exception to, any law providing for the confidentiality
39 of information.

1 (C) This paragraph applies only as a condition for participation
2 in the Cal Grant Program established pursuant to Chapter 1.7
3 (commencing with Section 69430) of Part 42.

4 (b) Any person who is refused information required to be made
5 available pursuant to subparagraph (A) of paragraph (1) of
6 subdivision (a) may maintain a civil action for damages against
7 any institution that refuses to provide the information, and the
8 court shall award that person an amount not to exceed one thousand
9 dollars (\$1,000) if the court finds that the institution refused to
10 provide the information.

11 (c) For purposes of this section:

12 (1) "Hate violence" means any act of physical intimidation or
13 physical harassment, physical force or physical violence, or the
14 threat of physical force or physical violence, that is directed against
15 any person or group of persons, or the property of any person or
16 group of persons because of the ethnicity, race, national origin,
17 religion, sex, sexual orientation, gender identity, gender expression,
18 disability, or political or religious beliefs of that person or group.

19 (2) "Part 1 violent crime" means willful homicide, forcible rape,
20 robbery, or aggravated assault, as defined in the Uniform Crime
21 Reporting Handbook of the Federal Bureau of Investigation.

22 (3) "Sexual assault" includes, but is not limited to, rape, forced
23 sodomy, forced oral copulation, rape by a foreign object, sexual
24 battery, or the threat of any of these.

25 (d) This section does not apply to the governing board of a
26 private postsecondary educational institution receiving funds for
27 student financial assistance with a full-time enrollment of less than
28 1,000 students.

29 (e) This section shall apply to a campus of one of the public
30 postsecondary educational systems identified in subdivision (a)
31 only if that campus has a full-time equivalent enrollment of more
32 than 1,000 students.

33 (f) Notwithstanding any other provision of this section, this
34 section shall not apply to the California Community Colleges
35 unless and until the Legislature makes funds available to the
36 California Community Colleges for the purposes of this section.

37 SEC. 12. Section 67385 of the Education Code is amended to
38 read:

39 67385. (a) The governing board of each community college
40 district, the Trustees of the California State University, the Board

1 of Directors of the college named in Section 92200, and the
2 Regents of the University of California shall each adopt, and
3 implement at each of their respective campuses or other facilities,
4 a written procedure or protocols to ensure, to the fullest extent
5 possible, that students, faculty, and staff who are victims of sexual
6 assault committed at or upon the grounds of, or upon off-campus
7 grounds or facilities maintained by the institution, or upon grounds
8 or facilities maintained by affiliated student organizations, shall
9 receive treatment and information. If appropriate on-campus
10 treatment facilities are unavailable, the written procedure or
11 protocols may provide for referrals to local community treatment
12 centers.

13 (b) The written procedure or protocols adopted pursuant to
14 subdivision (a) shall contain at least the following information:

15 (1) The college policy regarding sexual assault on campus.

16 (2) Personnel on campus who should be notified, and procedures
17 for notification, with the consent of the victim.

18 (3) Legal reporting requirements, and procedures for fulfilling
19 them.

20 (4) Services available to victims, and personnel responsible for
21 providing these services, such as the person assigned to transport
22 the victim to the hospital, to refer the victim to a counseling center,
23 and to notify the police, with the victim's concurrence.

24 (5) A description of campus resources available to victims, as
25 well as appropriate off-campus services.

26 (6) Procedures for ongoing case management, including
27 procedures for keeping the victim informed of the status of any
28 student disciplinary proceedings in connection with the sexual
29 assault, and the results of any disciplinary action or appeal, and
30 helping the victim deal with academic difficulties that may arise
31 because of the victimization and its impact.

32 (7) Procedures for guaranteeing confidentiality and appropriately
33 handling requests for information from the press, concerned
34 students, and parents.

35 (8) Procedures ensuring that each victim of sexual assault should
36 receive information about the existence of at least the following
37 options: criminal prosecutions, civil prosecutions, the disciplinary
38 process through the college, the availability of mediation,
39 alternative housing assignments, and academic assistance
40 alternatives.

1 (c) The written procedure or protocols adopted pursuant to
2 subdivision (a) shall be reviewed annually, and updated as
3 necessary in collaboration with sexual assault counselors and
4 student, faculty, and staff representatives.

5 (d) Each segment of higher education shall implement this
6 chapter from existing funds and resources available to it.

7 (e) For purposes of this section, “sexual assault” includes, but
8 is not limited to, rape, forced sodomy, forced oral copulation, rape
9 by a foreign object, sexual battery, or threat of sexual assault.

10 SEC. 13. Section 67391 of the Education Code is amended to
11 read:

12 67391. The governing board of each community college district,
13 the Trustees of the California State University, the Board of
14 Directors of the college named in Section 92200, and the Regents
15 of the University of California shall, within existing resources,
16 adopt and implement a rape and sexual assault education program
17 for, and ensure maximum feasible participation of, students and
18 student services professional staff members or student affairs
19 professional staff members at each of their respective campuses
20 or other facilities.

21 SEC. 14. Section 68052 of the Education Code is amended to
22 read:

23 68052. (a) It is the intent of the Legislature that California’s
24 public institutions of higher education shall establish nonresident
25 student tuition policies that are consistent with their resident student
26 fee policies. Nonresident student tuition shall be determined by
27 each of the public postsecondary segments through the adoption
28 of a methodology that annually establishes the nonresident student
29 tuition rate. It is further the intent of the Legislature that, while the
30 public institutions are to be provided flexibility in establishing
31 their nonresident tuition, under no circumstances shall the level
32 of nonresident tuition plus required fees fall below the marginal
33 cost of instruction for that segment.

34 (b) The following state policies regarding nonresident student
35 tuition are hereby established:

36 (1) Unless otherwise prescribed by statute, an admission fee
37 and rate of tuition fixed by each public postsecondary governing
38 board shall be required of each nonresident student. Each public
39 postsecondary education governing body shall develop its own
40 methodology for establishing the nonresident tuition level and its

1 annual adjustment level of nonresident student tuition, unless
2 otherwise prescribed by statute.

3 (2) As California's public postsecondary education segments
4 annually adjust the level of nonresident tuition they charge
5 out-of-state students, the nonresident tuition methodologies they
6 develop and use should take into consideration, at minimum, the
7 following two factors:

8 (A) For the University of California and the California State
9 University, the total nonresident charges imposed by each of their
10 public comparison institutions, as identified by the California
11 Postsecondary Education Commission.

12 (B) The full average cost of instruction of their segment.

13 (3) It is the intent of the Legislature that under no circumstances
14 shall an institution's level of nonresident tuition plus required
15 student fees fall below the marginal cost of instruction for that
16 segment.

17 (4) The University of California, the California State University,
18 the college named in Section 92200, and the California Maritime
19 Academy should endeavor to ensure that increases in the level of
20 nonresident tuition are gradual, moderate, and predictable by
21 providing nonresident students with a minimum of a 10-month
22 notice of tuition increases.

23 (c) No provision of this section shall be applicable to the
24 California Community Colleges.

25 (d) In the event that state revenues and expenditures are
26 substantially imbalanced due to factors unforeseen by the Governor
27 and the Legislature, including, but not limited to, initiative
28 measures, natural disasters, or sudden deviations from expected
29 economic trends, the nonresident student tuition at the University
30 of California, the California State University, the college named
31 in Section 92200, and the California Maritime Academy, shall not
32 be subject to this section.

33 SEC. 15. Section 68120 of the Education Code is amended to
34 read:

35 68120. (a) Notwithstanding any other law, no mandatory
36 systemwide fees or tuition or mandatory campus-based fees of any
37 kind shall be required or collected by the Regents of the University
38 of California, the Board of Directors of the college named in
39 Section 92200, the Trustees of the California State University, the
40 Board of Governors of the California Community Colleges, or any

1 campus of the University of California, the California State
2 University, or the California Community Colleges from any
3 surviving spouse or surviving child of a deceased person who met
4 all of the following requirements:

5 (1) The deceased person was a resident of this state.

6 (2) The deceased person was employed by a public agency or
7 was a contractor, or an employee of a contractor, performing
8 services for a public agency, or was a firefighter employed by the
9 federal government whose duty assignment involved the
10 performance of firefighting services in this state.

11 (3) The deceased person's principal duties consisted of active
12 law enforcement service or active fire suppression and prevention.
13 This section does not apply to a person whose principal duties
14 were clerical, even if the person was subject to occasional call or
15 was occasionally called upon to perform duties within the scope
16 of active law enforcement or active fire suppression and prevention.

17 (4) The deceased person was killed in the performance of active
18 law enforcement or active fire suppression and prevention duties,
19 died as a result of an accident or an injury caused by external
20 violence or physical force incurred in the performance of the
21 person's active law enforcement or active fire suppression and
22 prevention duties, or died as a result of an industrial injury or
23 illness arising out of and in the course of active law enforcement
24 or fire suppression and prevention duties.

25 (b) Notwithstanding subdivision (a), a person who qualifies for
26 the waiver of mandatory systemwide fees and tuition and
27 mandatory campus-based fees under this section as a surviving
28 child of a contractor, or of an employee of a contractor, who
29 performed services for a public agency shall, in addition to the
30 requirements set forth in subdivision (a), meet both of the following
31 requirements:

32 (1) Enrollment as an undergraduate student at a campus of the
33 University of California or the California State University or as a
34 student at a community college campus.

35 (2) Documentation that the student's annual income, including
36 the value of any support received from a parent, does not exceed
37 the maximum household income and asset level for an applicant
38 for a Cal Grant B award, as set forth in Section 69432.7.

39 (c) As used in this section:

1 (1) “Contractor” or “employee of a contractor” does not include
2 a security guard or security officer, as defined in Section 7582.1
3 of the Business and Professions Code.

4 (2) “Public agency” means the state or any city, county, city
5 and county, district, or other local authority or public body of or
6 within the state.

7 (3) “Spouse” has the same meaning as defined in Section 22171.

8 (4) “Surviving child” means either of the following:

9 (A) A surviving natural or adopted child of the deceased person.

10 (B) A surviving stepchild who meets both of the following
11 requirements:

12 (i) The stepchild was living or domiciled with the deceased
13 person at the time of the deceased person’s death.

14 (ii) The stepchild was claimed on the tax form most recently
15 filed by the deceased person ~~prior to~~ *before* that person’s death,
16 or the stepchild received 50 percent or more of the stepchild’s
17 support from that deceased person in the tax year immediately
18 preceding the death of the deceased person, or both.

19 SEC. 16. Section 68120.3 of the Education Code is amended
20 to read:

21 68120.3. (a) Notwithstanding any other law, no mandatory
22 systemwide fees or tuition or mandatory campus-based fees of any
23 kind shall be required or collected by the Regents of the University
24 of California, the Board of Directors of the college named in
25 Section 92200, the Trustees of the California State University, the
26 Board of Governors of the California Community Colleges, or any
27 campus of the University of California, the California State
28 University, or the California Community Colleges, from any
29 surviving spouse or surviving child of a deceased person who met
30 all of the following requirements:

31 (1) The deceased person was a resident of this state.

32 (2) The deceased person was a licensed physician or a licensed
33 nurse employed by or under contract with a health facility regulated
34 and licensed by the State Department of Public Health to provide
35 medical services or a first responder employed to provide
36 emergency services as described in Section 8562 of the
37 Government Code.

38 (3) The deceased person’s principal duties consisted of providing
39 medical services or emergency services during the COVID-19
40 pandemic state of emergency.

1 (4) The deceased person died of COVID-19 during the
2 COVID-19 pandemic state of emergency.

3 (b) Notwithstanding subdivision (a), a person who qualifies for
4 the waiver of mandatory systemwide fees and tuition and
5 mandatory campus-based fees under this section as a surviving
6 child or spouse of a licensed physician, licensed nurse, or first
7 responder, as defined in this section, in addition to the requirements
8 set forth in subdivision (a), shall meet all of the following
9 requirements:

10 (1) Enrollment as an undergraduate student at a campus of the
11 University of California or the California State University or as a
12 student at a campus of the California Community Colleges.

13 (2) Documentation that the student's annual income, including
14 the value of any support received from a parent, does not exceed
15 the maximum household income and asset level for an applicant
16 for a Cal Grant A award, as set forth in Section 69432.7.

17 (3) The surviving child or spouse was a resident of California
18 during the COVID-19 pandemic state of emergency.

19 (c) Any determination of eligibility shall be confirmed through
20 documentation of a certified death certificate and documentation
21 of the deceased's employment during the COVID-19 pandemic
22 state of emergency provided by the surviving child or spouse.

23 (d) A determination of residency shall be based on the criteria
24 set forth in this chapter for determining nonresident and resident
25 tuition. Exemptions to residency determination shall apply to this
26 section.

27 (e) As used in this section:

28 (1) "COVID-19 pandemic state of emergency" means the period
29 of time from the first declaration of emergency on March 4, 2020,
30 until the Governor lifts the state of emergency.

31 (2) "First responder" has the same definition as in Section 8562
32 of the Government Code.

33 (3) "Licensed nurse" means a holder of a nursing license for
34 medical care authorized by the Board of Registered Nursing or by
35 the Board of Vocational Nurses and Psychiatric Technicians of
36 the State of California.

37 (4) "Licensed physician" means a holder of a physician's and
38 surgeon's certificate who is engaged in the professional practice
39 of providing medical care authorized by the Medical Board of
40 California.

1 (5) “Surviving child” means either of the following:

2 (A) A surviving natural or adopted child of the deceased person.

3 (B) A surviving stepchild who meets both of the following
4 requirements:

5 (i) The stepchild was living or domiciled with the deceased
6 person at the time of the deceased person’s death.

7 (ii) The stepchild was claimed on the tax form most recently
8 filed by the deceased person prior to that person’s death, or the
9 stepchild received 50 percent or more of the stepchild’s support
10 from that deceased person in the tax year immediately preceding
11 the death of the deceased person, or both.

12 (6) “Surviving spouse” has the same meaning as “spouse” in
13 Section 22171.

14 (f) (1) A surviving spouse is entitled to the fee waiver
15 authorized by this section until January 1, 2033.

16 (2) A surviving child is entitled to the fee waiver authorized by
17 this section until that person attains 30 years of age.

18 SEC. 17. Section 68120.7 of the Education Code is amended
19 to read:

20 68120.7. The college named in Section 92200 and each campus
21 of the California Community Colleges and the California State
22 University that has an internet website shall, and each campus of
23 the University of California that has an internet website shall, in
24 the event that an appropriate resolution is enacted pursuant to
25 Section 68134, provide an online posting or notice of systemwide
26 fee or tuition waivers available to students pursuant to Section
27 68120, Section 68120.3, or both, as applicable. The online posting
28 or notice shall be done in accordance with all of the following:

29 (a) It shall be accessible through a prominent direct link to an
30 application for a waiver of the systemwide fee or tuition.

31 (b) The direct link shall appear on the primary internet web page
32 of the financial aid section of the campus website.

33 (c) The direct link shall be accompanied by a description of the
34 systemwide fee or tuition waiver to clearly indicate the type of
35 student who would potentially be eligible to apply.

36 SEC. 18. Section 68121 of the Education Code is amended to
37 read:

38 68121. (a) Notwithstanding any other provision of law, no
39 mandatory systemwide fees or tuition of any kind shall be required
40 or collected by the Regents of the University of California or the

1 Trustees of the California State University, from a student who is
2 in an undergraduate program and who is the surviving dependent
3 of any individual killed in the September 11, 2001, terrorist attacks
4 on the World Trade Center in New York City, the Pentagon
5 building in Washington, DC, or the crash of United Airlines Flight
6 93 in southwestern Pennsylvania, if the student meets the financial
7 need requirements set forth in Section 69432.7 for the Cal Grant
8 A Program and either of the following apply:

9 (1) The surviving dependent was a resident of California on
10 September 11, 2001.

11 (2) The individual killed in the attacks was a resident of
12 California on September 11, 2001.

13 (b) (1) The California Victim Compensation Board shall
14 identify all persons who are eligible for tuition and fee waivers
15 pursuant to this section or subdivision (j) of Section 76300. That
16 board shall notify these persons or, in the case of minors, the
17 parents or guardians of these persons, of their eligibility for tuition
18 and fee waivers under these provisions. This notification shall be
19 in writing, and shall be received by all of the appropriate persons
20 no later than July 1, 2003.

21 (2) The Trustees of the California State University, the Regents
22 of the University of California, and the governing board of each
23 community college district in the state shall waive tuition and fees,
24 as specified in this section and in subdivision (j) of Section 76300,
25 for any person who can demonstrate eligibility. If requested by
26 the California State University, the University of California, the
27 college named in Section 92200, or a California Community
28 College, the California Victim Compensation Board, on a
29 case-by-case basis, shall confirm the eligibility of persons
30 requesting the waiver of tuition and fees, as provided for in this
31 section.

32 (c) A determination of whether a person is a resident of
33 California on September 11, 2001, shall be based on the criteria
34 set forth in this chapter for determining nonresident and resident
35 tuition.

36 (d) (1) “Dependent,” for purposes of this section, is a person
37 who, because of their relationship to an individual killed as a result
38 of injuries sustained during the terrorist attacks of September 11,
39 2001, qualifies for compensation under the federal September 11th

1 Victim Compensation Fund of 2001 (Title IV (commencing with
2 Section 401) of Public Law 107-42).

3 (2) A dependent who is the surviving spouse of an individual
4 killed in the terrorist attacks of September 11, 2001, is entitled to
5 the waivers provided in this section until January 1, 2013.

6 (3) A dependent who is the surviving child, natural or adopted,
7 of an individual killed in the terrorist attacks of September 11,
8 2001, is entitled to the waivers under this section until that person
9 obtains the age of 30 years.

10 (4) A dependent of an individual killed in the terrorist attacks
11 of September 11, 2001, who is determined to be eligible by the
12 California Victim Compensation Board, is also entitled to the
13 waivers provided in this section until January 1, 2013.

14 SEC. 19. The heading of Article 1 (commencing with Section
15 92200) of Chapter 3 of Part 57 of Division 9 of Title 3 of the
16 Education Code is amended to read:

17
18 Article 1. A Law College Affiliated with the University of
19 California
20

21 SEC. 20. Section 92200 of the Education Code is amended to
22 read:

23 92200. The law college founded in the City of San Francisco
24 in 1878 shall be designated a name to be determined, in
25 consultation with representatives of the Round Valley Indian
26 Tribes, the Yuki Indian Committee, and the Board of Directors of
27 the college, who will make a recommendation to the Legislature,
28 by the Board of Directors of the college, Round Valley Tribal
29 Council, and Yuki Indian Committee.

30 SEC. 21. Section 92204 of the Education Code is amended to
31 read:

32 92204. (a) The business of the college, which includes the
33 power to incur indebtedness, shall be managed by the board of
34 directors. A majority of directors then in office shall constitute a
35 quorum for the transaction of all business. The directors shall serve
36 without compensation.

37 (b) (1) Directors shall serve 12-year terms.

38 (2) Notwithstanding paragraph (1), any director in office on
39 January 1, 2023, who was not appointed by the Governor shall be

1 limited to a six-year term from January 1, 2023, to January 1, 2029,
2 inclusive.

3 SEC. 22. Section 92205 of the Education Code is amended to
4 read:

5 92205. In the investment and management of endowment funds
6 and properties under its jurisdiction, the Board of Directors of the
7 college shall comply, to the extent practicable, with the endowment
8 investment and management policies of the Regents of the
9 University of California. Any variance from the endowment
10 investment and management policies of the regents shall be
11 presented to, and reviewed by, the board, which shall adopt a
12 resolution specifying the reasons for the variance. In addition, the
13 board shall comply with all of the following requirements:

14 (a) The use of funds shall be in accordance with the terms
15 specified by the donor.

16 (b) Before the delegation of any authority to engage in making
17 investments, reallocations, or reinvestments of endowment funds
18 on its behalf, the board shall seek and review the written opinion
19 of the general counsel regarding the propriety of the proposed
20 action under the endowment investment and management policies
21 of the Regents of the University of California then in effect.

22 (c) “Endowment fund” means a fund derived from a gift,
23 bequest, or grant, the terms of which stipulate that the fund
24 principal remain inviolate and that only the income may be
25 expended.

26 (d) Annual audits shall be conducted by a certified public
27 accountant firm in accordance with generally accepted auditing
28 standards established by the American Institute of Certified Public
29 Accountants.

30 SEC. 23. Section 92205.5 of the Education Code is amended
31 to read:

32 92205.5. It is the intent of the Legislature that the Regents of
33 the University of California provide for a review of the annual
34 audits conducted pursuant to subdivision (d) of Section 92205 and
35 annually report any violations revealed by these audits to the Board
36 of Directors of the college to the appropriate fiscal and policy
37 committees of the Legislature, and to the Legislative Analyst.

38 SEC. 24. Section 92206 of the Education Code is amended to
39 read:

1 92206. Vacancies occurring in the board of directors shall be
2 filled by the Governor and approved by the Senate, a majority of
3 the membership concurring.

4 SEC. 25. Section 92214 of the Education Code is amended to
5 read:

6 92214. The Director of General Services shall transfer the
7 property located at 55 and 75 Hyde Street in the City and County
8 of San Francisco to the University of California to be used for the
9 benefit of the college for school purposes.

10 The university shall have the power to sell or lease the property
11 to a nonprofit corporation in order to provide housing facilities for
12 the students, faculty, and employees of the college.

13 If such property is sold, it shall be sold for its fair market value,
14 with such valuation approved by the Department of Finance, and
15 the proceeds of the sale shall be deposited in the General Fund. If
16 such property is leased, the proceeds of the lease shall be deposited
17 in the General Fund.

18 SEC. 26. Section 92215 of the Education Code is amended to
19 read:

20 92215. The power to incur indebtedness pursuant to Section
21 92204 shall include, but is not limited to, the power to issue
22 revenue bonds in the name of the Board of Directors of the college
23 and as obligations of the Board of Directors of the college. Revenue
24 bonds may be issued pursuant to the provisions of Chapter 5
25 (commencing with Section 92400) of Part 57 and, for such
26 purposes, the Board of Directors of the college shall have the same
27 powers to issue revenue bonds for the benefit of the college as are
28 conferred upon the Regents of the University of California for the
29 benefit of the University of California by Chapter 5 (commencing
30 with Section 92400) of Part 57, and shall be subject to the
31 limitations imposed therein. Any such bonds issued for the benefit
32 of the Hastings College of the Law, before January 1, 2023, shall
33 be issued in the name of Hastings College of the Law without
34 using the name of the University of California. Any such bonds
35 issued for the benefit of the college, on or after January 1, 2023,
36 shall be issued in the name of the college.

37 SEC. 27. Section 92630.5 of the Education Code is amended
38 to read:

39 92630.5. This article shall apply to the University of California
40 only to the extent that the regents act, by resolution, to make it

1 applicable. This article shall apply to the college named in Section
2 92200 only to the extent that the Board of Directors of the college
3 named in Section 92200 acts, by resolution, to make it applicable.

4 SEC. 28. Section 94110 of the Education Code is amended to
5 read:

6 94110. As used in this chapter, the following words and terms
7 have the following meanings, unless the context indicates or
8 requires another or different meaning or intent:

9 (a) “Authority” means the California Educational Facilities
10 Authority created by this chapter or any board, body, commission,
11 department, or officer succeeding to the principal functions of the
12 authority or to whom the power conferred upon the authority by
13 this chapter is given by law.

14 (b) “Bond” means bonds, notes, debentures, securities, or other
15 evidences of indebtedness of the authority issued pursuant to this
16 chapter.

17 (c) “Cost,” as applied to a project or portion of a project financed
18 under this chapter, means all, or any part of, the cost of construction
19 and acquisition of lands, structures, real or personal property,
20 rights, rights-of-way, franchises, easements, and interests acquired
21 or used for a project, the cost of demolishing or removing buildings
22 or structures on acquired land, including the cost of acquiring lands
23 to which the buildings or structures may be moved, the cost of
24 machinery and equipment, financing charges, interest before,
25 during, and for a period after completion of, the construction as
26 determined by the authority, provisions for working capital,
27 reserves for principal and interest and for extension, enlargements,
28 additions, replacements, renovations and improvements, the cost
29 of engineering, financial and legal services, plans, specifications,
30 studies, surveys, estimates, administrative expenses, and other
31 expenses necessary or incidental to determining the feasibility of
32 constructing a project or incident to the construction or acquisition
33 or financing of a project.

34 (d) “Dormitory” means a housing unit with necessary and usual
35 attendant and related facilities and equipment.

36 (e) (1) “Educational facility” means a dormitory, dining hall,
37 student union, administration building, academic building, library,
38 laboratory, research facility, classroom, health care facility
39 (including for an institution of higher education that maintains and
40 operates a school of medicine, structures or facilities designed to

1 provide services as a hospital or clinic, whether the hospital or
2 clinic is operated directly by the institution of higher education or
3 by a separate nonprofit corporation, the members of which consist
4 of the educational institution or the members of its governing
5 body), faculty and staff housing, parking, maintenance, storage,
6 or utility facilities, and other related structures or facilities used
7 for student instruction, conducting research, or operating an
8 institution for higher education, and related facilities and
9 equipment.

10 (2) “Educational facility” does not include a facility used, or to
11 be used, for sectarian instruction or as a place for religious worship,
12 or a facility used, or to be used, primarily in connection with a part
13 of the program of a school or department of divinity.

14 (f) “Faculty and staff housing” means a residential unit owned
15 by a participating college or participating nonprofit entity for use
16 by an individual holding a faculty appointment or a staff position
17 at a public university, public college, or participating college.

18 (g) “Participating nonprofit entity” means an entity within the
19 meaning of paragraph (3) of subsection (c) of Section 501 of Title
20 26 of the United States Code that, pursuant to this chapter for the
21 purpose of owning student, faculty, or staff housing, as approved
22 by, and for participation with, the authority, undertakes the
23 financing and construction or acquisition of student, faculty, or
24 staff housing, on real property owned or leased by the entity, for
25 the benefit of a public college, public university, or participating
26 private college. The authority may determine any additional
27 qualifications of a participating nonprofit entity through regulations
28 or guidelines.

29 (h) “Participating private college” or “participating college”
30 means a private college that participates with the authority in
31 undertaking the financing and construction or acquisition of a
32 project and does not restrict the admission of a student based on
33 their race or ethnicity, provided that the financing does not violate
34 Section 5 of Article XVI of the California Constitution or the
35 establishment clause of the First Amendment to the United States
36 Constitution.

37 (i) (1) “Private college” means an institution for higher
38 education other than a public college, situated within the state and
39 that, by virtue of law or charter, is a nonprofit private or
40 independent degree-granting educational institution that is

1 regionally accredited and empowered to provide a program of
2 education beyond the high school level.

3 (2) For purposes of obtaining financing under this chapter,
4 “private college” also includes either of the following:

5 (A) A nonprofit affiliate, established on or before January 1,
6 2005, of one or more private colleges, as defined in paragraph (1),
7 the sole or primary purpose of which is to provide administrative
8 or other support services to an affiliated private college or private
9 colleges, and that undertakes the financing of a project for the
10 exclusive use and benefit of one or more of the affiliated private
11 colleges.

12 (B) A private nonprofit research organization engaged in basic
13 research and advanced education at the predoctoral and
14 postdoctoral levels through personnel situated within the state, but
15 only if the organization previously has borrowed the proceeds of
16 bonds or other obligations previously issued by the authority.

17 (j) (1) “Project” means a dormitory or an educational facility,
18 faculty or staff housing, or any combination thereof, or any function
19 concerning student loans, or interests in student loans, as
20 determined by the authority.

21 (2) For a participating nonprofit entity, “project” means the
22 construction or acquisition of student housing or faculty and staff
23 housing. The authority, in consultation with the top administrative
24 officials and the participating nonprofit entity, shall develop and
25 adopt regulations to ensure, to the greatest extent practicable, that
26 each project involving a participating nonprofit entity is used to
27 house students, faculty, or staff of the participating private college,
28 public college, or public university. The student, faculty, or staff
29 housing shall meet all of the following criteria:

30 (A) Upon completion or acquisition of the project, the project
31 will be owned by a participating nonprofit entity and located on
32 real property owned, or leased by, that entity.

33 (B) The top administrative official of the public university,
34 public college, or participating private college that the project is
35 intended to benefit, verifies the need for housing and financing
36 assistance in a specific area pursuant to subparagraph (D).

37 (C) The project is monitored on an annual basis by the authority
38 to ensure that it meets the requirements of subparagraph (E) and
39 all other regulatory agreements entered into by the authority.

(D) The project is located within a five-mile radius of the boundary of a campus or satellite center of the public college, public university, or participating private college that the project is intended to benefit. The participating nonprofit entity may request approval from the top official of the institution for a project that is located outside the five-mile radius, provided that all of the following criteria are met:

(i) There are no available and feasible sites within the five-mile radius.

(ii) The project is near a mass transit destination.

(iii) The time required to commute from campus to the mass transit destination, as estimated by the top administrative official, typically does not exceed 30 minutes.

(E) (i) The project includes and maintains for 40 years a restriction to the grant deed on the real property on which the student or faculty and staff housing is to be located. The grant deed shall accomplish all of the following:

(I) Give the public college, public university, or participating private college that the project is intended to benefit the right, but not the obligation, to purchase the property at fair market value.

(II) Ensure that students, faculty, or staff of the affected campus will have first right of refusal to all available units.

(III) Require that, to the greatest extent feasible, at least 50 percent of student residents will meet the criteria for need-based financial assistance, as determined by the top administrative official of the affected campus.

(IV) Require that all contracts for construction and renovation of the proposed project shall be subject to, and comply with the provisions referenced in, Section 10128 of the Public Contract Code.

(ii) For purposes of this subparagraph, the authority, through regulation or rule, shall define “student” and “faculty,” taking into consideration enrollment status requirements and employment status requirements. The definitions of “student” and “faculty” may be different for each participating campus.

(k) “Public college” means a community college.

(l) “Public university” means any campus of the University of California, the California State University, or the college named in Section 92200.

1 (m) “Student housing” means a residential unit owned by a
2 participating nonprofit entity, and located on real property owned
3 by that entity, for use by an individual enrolled at a public college,
4 public university, or participating private college.

5 (n) “Student loan” means a loan having terms and conditions
6 acceptable to the authority that is made to finance or refinance the
7 costs of attendance at a private college or a public college and that
8 is approved by the authority, if the loan is originated pursuant to
9 a program that is approved by the authority.

10 (o) “Top administrative official” means the chancellor in the
11 case of a campus of the University of California, the dean in the
12 case of the college named in Section 92200, the president in the
13 case of a campus of the California State University, the president
14 in the case of a campus of the California Community Colleges, or
15 the president or highest ranking official in the case of a
16 participating private college.

17 SEC. 29. Section 99275 of the Education Code is amended to
18 read:

19 99275. (a) The California Bench to School Initiative is hereby
20 established to create the California Institute on Law, Neuroscience,
21 and Education to promote a collaborative focus on neuroscience,
22 law, education, and social justice to improve literacy outcomes in
23 school settings for youth.

24 (b) The institute shall include the Memory and Aging Center
25 of the University of California, San Francisco (UCSF), the
26 UCSF/UC College Consortium on Law, Science, and Health
27 Policy, and the UC/CSU California Collaborative for
28 Neurodiversity and Learning. The institute shall be charged with
29 the development, implementation, and management of the initiative
30 in collaboration and partnership with the Office of Youth and
31 Community Restoration.

32 (c) As used in this chapter:

33 (1) “Initiative” means the California Bench to School Initiative
34 established in subdivision (a).

35 (2) “Institute” means the California Institute on Law,
36 Neuroscience, and Education created pursuant to subdivision (a).

37 (3) “UC College” means the college named in Section 92200.

38 (4) “UCSF” means the University of California, San Francisco.

39 (5) “UC/CSU California Collaborative for Neurodiversity and
40 Learning” means the collaboration between the University of

1 California, Los Angeles, and California State University, managed
2 by the University of California, Los Angeles.

3 SEC. 30. Section 99277 of the Education Code is amended to
4 read:

5 99277. (a) Upon receiving funding for purposes of this chapter,
6 UCSF, the UC college named in Section 92200, and the UC/CSU
7 California Collaborative on Neurodiversity and Learning shall
8 each appoint one member from the respective institutions. This
9 group shall be charged with the development and oversight of the
10 initiative, and shall function as the institute's management
11 committee. The management committee shall be permitted, but
12 not obligated, to retain a program director to assist in the
13 implementation of the initiative.

14 (b) An advisory board, with its title and members to be named
15 by the institute, shall be established to serve as an oversight body
16 for the initiative in order to monitor progress and provide leadership
17 from the perspectives of their respective participating organizations,
18 departments, and divisions, and to facilitate collaboration among
19 researchers, practitioners, administrators, legislators, and
20 community stakeholders. The advisory board shall provide
21 expertise and support to the management committee. The
22 membership of the advisory board shall be constituted as set forth
23 in subdivision (b). The advisory board shall be a check on
24 accountability in order to ensure that the initiative is meeting its
25 goals. The advisory board shall also conduct a fiscal review of the
26 distribution of funds to ensure alignment with the goals of the
27 initiative.

28 (c) The members of the advisory board shall be representatives
29 from the following institutions, organizations, agencies, and groups:

30 (1) UCSF.

31 (2) UC college named in Section 92200.

32 (3) The UC/CSU California Collaborative for Learning and
33 Neurodiversity.

34 (4) The Mental Health Services Oversight and Accountability
35 Commission.

36 (5) A Member of the Assembly selected by the Speaker of the
37 Assembly.

38 (6) A Senator selected by the President pro Tempore of the
39 Senate.

(7) Community representatives, including formerly justice-involved persons and their family members, selected by the Governor, the Speaker of the Assembly, and the President pro Tempore of the Senate.

(d) The advisory board shall meet twice per year, with the potential for additional working group meetings. At each meeting, the advisory board shall participate in a review of reports, including updates on research, practice, and policy efforts, as well as fiscal reporting.

SEC. 31. Section 100110 of the Education Code is amended to read:

100110. The Legislature finds and declares all of the following:

(a) California's economic and social prosperity relies on a higher education system that keeps pace with California's growth. In the coming decades, the state's economic prosperity will depend on increasing the productivity of the work force and on the ability to compete successfully in the world marketplace.

(b) The system of public higher education in this state includes the University of California, comprising 9 campuses, the California State University, comprising 22 campuses, including the California Maritime Academy, a specialized institution, the California Community Colleges, consisting of 71 districts and 107 campuses, the college named in Section 92200, and their respective off-campus centers. Each of these institutions plays a vital role in maintaining California's dominance in higher education in the United States.

(c) Over the last several years, studies have been completed by the University of California, the California State University, and the California Community Colleges to assess their long-term and short-term capital needs. Those studies demonstrate that the long-term and short-term needs total, in the aggregate, several billion dollars.

(d) The purpose of this article is to assist in meeting the capital outlay financing needs of California's public higher education system.

SEC. 32. Section 100120 of the Education Code is amended to read:

100120. (a) The Higher Education Facilities Finance Committee created pursuant to Section 67353 shall be and is hereby authorized to create a debt or debts, liability or liabilities, of the

1 State of California pursuant to this chapter for the purpose of
2 funding aid to the University of California, the California State
3 University, the California Community Colleges, and the college
4 named in Section 92200 for the construction, including the
5 construction of buildings and the acquisition of related fixtures;
6 the equipping of new, renovated, or reconstructed facilities; funding
7 for the payment of preconstruction costs, including, but not limited
8 to, preliminary plans and working drawings; renovation and
9 reconstruction of facilities; and the construction or improvement
10 of off-campus facilities of the California State University approved
11 by the Trustees of the California State University on or before July
12 1, 1990, including the acquisition of sites upon which these
13 facilities are to be constructed.

14 (b) The addition of the college named in Section 92200 to this
15 section is not intended to mark a change from the funding
16 authorizations made by Section 67354, as contained in the Higher
17 Education Facilities Bond Act of 1986, or Section 67334, as
18 contained in the Higher Education Facilities Bond Act of 1988,
19 but is intended to state more clearly what was intended by the
20 Legislature in those sections as well.

21 SEC. 33. Section 100450 of the Education Code is amended
22 to read:

23 100450. The Legislature finds and declares all of the following:

24 (a) California's economic and social prosperity relies on a higher
25 education system that keeps pace with California's growth. In the
26 coming decades, the state's economic prosperity will depend on
27 increasing the productivity of the work force and on the ability to
28 compete successfully in the world marketplace.

29 (b) The system of public higher education in this state includes
30 the University of California, the college named in Section 92200,
31 the California State University, the California Community
32 Colleges, and their respective off-campus centers. Each of these
33 institutions plays a vital role in maintaining California's dominance
34 in higher education in the United States.

35 (c) Over the last several years, studies have been completed by
36 the California Postsecondary Education Commission, the
37 University of California, the California State University, and the
38 California Community Colleges to assess their long-term and
39 short-term capital needs. Those studies demonstrate that the
40 long-term and short-term needs total, in the aggregate, seven

1 hundred fifty million dollars (\$750,000,000) per year into the next
2 century.

3 (d) Proceeds from the sale of bonds issued and sold pursuant to
4 this chapter may be used to fund construction on existing or new
5 campuses and off-campus centers, including the construction of
6 buildings and the acquisition of related fixtures, the renovation
7 and reconstruction of facilities, site acquisition, the equipping of
8 new, renovated, or reconstructed facilities, which equipment shall
9 have an average useful life of 10 years; and to provide funds for
10 the payment of preconstruction costs, including, but not limited
11 to, preliminary plans and working drawings at the University of
12 California, the college named in Section 92200, the California
13 State University, and the California Community Colleges.

14 (e) The purposes of this article include assisting in meeting the
15 capital outlay financing needs of California's public higher
16 education system.

17 SEC. 34. Section 100460 of the Education Code is amended
18 to read:

19 100460. The Higher Education Facilities Finance Committee
20 established pursuant to Section 67353 is hereby authorized to create
21 a debt or debts, liability or liabilities, of the State of California
22 pursuant to this chapter for the purpose of providing funds to aid
23 the University of California, the college named in Section 92200,
24 the California State University, and the California Community
25 Colleges.

26 SEC. 35. Section 100510 of the Education Code is amended
27 to read:

28 100510. (a) The bonds authorized by this chapter shall be
29 prepared, executed, issued, sold, paid, and redeemed as provided
30 in the State General Obligation Bond Law (Chapter 4 (commencing
31 with Section 16720) of Part 3 of Division 4 of Title 2 of the
32 Government Code), and all of the provisions of that law, except
33 Section 16727 of the Government Code, apply to the bonds and
34 to this chapter and are hereby incorporated in this chapter as though
35 set forth in full in this chapter.

36 (b) For the purposes of the State General Obligation Bond Law,
37 each state agency administering an appropriation of the 1998
38 Higher Education Capital Outlay Bond Fund is designated as the
39 "board" for projects funded pursuant to this chapter.

1 (c) The proceeds of the bonds issued and sold pursuant to this
2 chapter shall be available for the purpose of funding aid to the
3 University of California, the college named in Section 92200, the
4 California State University, and the California Community
5 Colleges, for the construction on existing or new campuses, and
6 their respective off-campus centers, including the construction of
7 buildings and the acquisition of related fixtures, renovation, and
8 reconstruction of facilities, for the acquisition of sites upon which
9 these facilities are to be constructed, for the equipping of new,
10 renovated, or reconstructed facilities, which equipment shall have
11 a useful life of at least 10 years, to provide funds for payment of
12 preconstruction costs, including, but not limited to, preliminary
13 plans and working drawings.

14 SEC. 36. Section 100650 of the Education Code is amended
15 to read:

16 100650. (a) The system of public higher education in this state
17 includes the University of California, the college named in Section
18 92200, the California State University, the California Community
19 Colleges, and their respective off-campus centers.

20 (b) The 2002 Higher Education Capital Outlay Bond Fund is
21 hereby established in the State Treasury for deposit of funds from
22 the proceeds of bonds issued and sold for the purposes of this
23 chapter.

24 (c) The Higher Education Facilities Finance Committee
25 established pursuant to Section 67353 is hereby authorized to create
26 a debt or debts, liability or liabilities, of the State of California
27 pursuant to this chapter for the purpose of providing funds to aid
28 the University of California, the named in Section 92200, the
29 California State University, and the California Community
30 Colleges.

31 SEC. 37. Section 100652 of the Education Code is amended
32 to read:

33 100652. (a) From the proceeds of bonds issued and sold
34 pursuant to Article 5 (commencing with Section 100700), the sum
35 of four hundred eight million two hundred sixteen thousand dollars
36 (\$408,216,000) shall be deposited in the 2002 Higher Education
37 Capital Outlay Bond Fund for the purposes of this article. When
38 appropriated, these funds shall be available for expenditure for the
39 purposes of this article.

1 (b) The purposes of this article include assisting in meeting the
2 capital outlay financing needs of the University of California and
3 the college named in Section 92200.

4 (c) Proceeds from the sale of bonds issued and sold for the
5 purposes of this article may be used to fund construction on
6 existing campuses, including the construction of buildings and the
7 acquisition of related fixtures, construction of facilities that may
8 be used by more than one segment of public higher education
9 (intersegmental), the renovation and reconstruction of facilities,
10 site acquisition, the equipping of new, renovated, or reconstructed
11 facilities, which equipment shall have an average useful life of 10
12 years; and to provide funds for the payment of preconstruction
13 costs, including, but not limited to, preliminary plans and working
14 drawings for facilities of the University of California and the
15 college named in Section 92200.

16 SEC. 38. Section 100710 of the Education Code is amended
17 to read:

18 100710. (a) The bonds authorized by this chapter shall be
19 prepared, executed, issued, sold, paid, and redeemed as provided
20 in the State General Obligation Bond Law (Chapter 4 (commencing
21 with Section 16720) of Part 3 of Division 4 of Title 2 of the
22 Government Code), and all of the provisions of that law, except
23 Section 16727 of the Government Code, apply to the bonds and
24 to this chapter and are hereby incorporated into this chapter as
25 though set forth in full within this chapter.

26 (b) For the purposes of the State General Obligation Bond Law,
27 each state agency administering an appropriation of the 2002
28 Higher Education Capital Outlay Bond Fund is designated as the
29 “board” for projects funded pursuant to this chapter.

30 (c) The proceeds of the bonds issued and sold pursuant to this
31 chapter shall be available for the purpose of funding aid to the
32 University of California, the college named in Section 92200, the
33 California State University, and the California Community
34 Colleges, for the construction on existing or new campuses, and
35 their respective off-campus centers and joint use and intersegmental
36 facilities, as set forth in this chapter.

37 SEC. 39. Section 100745 of the Education Code is amended
38 to read:

39 100745. (a) For the purposes of carrying out this chapter, the
40 Director of Finance may authorize the withdrawal from the General

1 Fund of an amount not to exceed the amount of the unsold bonds
2 that have been authorized by the Higher Education Facilities
3 Finance Committee to be sold for the purpose of carrying out this
4 chapter. Any amounts withdrawn shall be deposited in the 2002
5 Higher Education Capital Outlay Bond Fund consistent with this
6 chapter. Any money made available under this section shall be
7 returned to the General Fund, plus an amount equal to the interest
8 that the money would have earned in the Pooled Money Investment
9 Account, from proceeds received from the sale of bonds for the
10 purpose of carrying out this chapter.

11 (b) Any request forwarded to the Legislature and the Department
12 of Finance for funds from this bond issue for expenditure for the
13 purposes described in this chapter by the University of California,
14 the college named in Section 92200, the California State
15 University, or the California Community Colleges shall be
16 accompanied by the five-year capital outlay plan. Requests
17 forwarded by a university or college shall include a schedule that
18 prioritizes the seismic retrofitting needed to significantly reduce,
19 in the judgment of the particular university or college, seismic
20 hazards in buildings identified as high priority by the university
21 or college. Requests forwarded by the California Community
22 Colleges shall be accompanied by a five-year capital outlay plan
23 reflecting the needs and priorities of the community college system,
24 prioritized on a statewide basis.

25 SEC. 40. Section 100850 of the Education Code is amended
26 to read:

27 100850. (a) The system of public higher education in this state
28 includes the University of California, the college named in Section
29 92200, the California State University, the California Community
30 Colleges, and their respective off-campus centers.

31 (b) The 2004 Higher Education Capital Outlay Bond Fund is
32 hereby established in the State Treasury for deposit of funds from
33 the proceeds of bonds issued and sold for the purposes of this
34 chapter.

35 (c) The Higher Education Facilities Finance Committee
36 established pursuant to Section 67353 is hereby authorized to create
37 a debt or debts, liability or liabilities, of the State of California
38 pursuant to this chapter for the purpose of providing funds to aid
39 the University of California, the college named in Section 92200,

1 the California State University, and the California Community
2 Colleges.

3 SEC. 41. Section 100852 of the Education Code is amended
4 to read:

5 100852. (a) From the proceeds of bonds issued and sold
6 pursuant to Article 5 (commencing with Section 100900), the sum
7 of six hundred ninety million dollars (\$690,000,000) shall be
8 deposited in the 2004 Higher Education Capital Outlay Bond Fund
9 for the purposes of this article. When appropriated, these funds
10 shall be available for expenditure for the purposes of this article.

11 (b) The purposes of this article include assisting in meeting the
12 capital outlay financing needs of the University of California and
13 the college named in Section 92200.

14 (c) Proceeds from the sale of bonds issued and sold for the
15 purposes of this article may be used to fund construction on
16 existing campuses, including the construction of buildings and the
17 acquisition of related fixtures, construction of facilities that may
18 be used by more than one segment of public higher education
19 (intersegmental), the renovation and reconstruction of facilities,
20 site acquisition, the equipping of new, renovated, or reconstructed
21 facilities, which equipment shall have an average useful life of 10
22 years; and to provide funds for the payment of preconstruction
23 costs, including, but not limited to, preliminary plans and working
24 drawings for facilities of the University of California and the
25 college named in Section 92200.

26 SEC. 42. Section 100910 of the Education Code is amended
27 to read:

28 100910. (a) The bonds authorized by this chapter shall be
29 prepared, executed, issued, sold, paid, and redeemed as provided
30 in the State General Obligation Bond Law (Chapter 4 (commencing
31 with Section 16720) of Part 3 of Division 4 of Title 2 of the
32 Government Code), and all of the provisions of that law, except
33 Section 16727 of the Government Code, apply to the bonds and
34 to this chapter and are hereby incorporated into this chapter as
35 though set forth in full within this chapter.

36 (b) For the purposes of the State General Obligation Bond Law,
37 each state agency administering an appropriation of the 2004
38 Higher Education Capital Outlay Bond Fund is designated as the
39 “board” for projects funded pursuant to this chapter.

1 (c) The proceeds of the bonds issued and sold pursuant to this
2 chapter shall be available for the purpose of funding aid to the
3 University of California, the college named in Section 92200, the
4 California State University, and the California Community
5 Colleges, for the construction on existing or new campuses, and
6 their respective off-campus centers and joint use and intersegmental
7 facilities, as set forth in this chapter.

8 SEC. 43. Section 100945 of the Education Code is amended
9 to read:

10 100945. (a) For the purposes of carrying out this chapter, the
11 Director of Finance may authorize the withdrawal from the General
12 Fund of an amount not to exceed the amount of the unsold bonds
13 that have been authorized by the Higher Education Facilities
14 Finance Committee to be sold for the purpose of carrying out this
15 chapter. Any amounts withdrawn shall be deposited in the 2004
16 Higher Education Capital Outlay Bond Fund consistent with this
17 chapter. Any money made available under this section shall be
18 returned to the General Fund, plus an amount equal to the interest
19 that the money would have earned in the Pooled Money Investment
20 Account, from proceeds received from the sale of bonds for the
21 purpose of carrying out this chapter.

22 (b) Any request forwarded to the Legislature and the Department
23 of Finance for funds from this bond issue for expenditure for the
24 purposes described in this chapter by the University of California,
25 the college named in Section 92200, the California State
26 University, or the California Community Colleges shall be
27 accompanied by the five-year capital outlay plan. Requests
28 forwarded by a university or college shall include a schedule that
29 prioritizes the seismic retrofitting needed to significantly reduce,
30 in the judgment of the particular university or college, seismic
31 hazards in buildings identified as high priority by the university
32 or college. Requests forwarded by the California Community
33 Colleges shall be accompanied by a five-year capital outlay plan
34 reflecting the needs and priorities of the community college system,
35 prioritized on a statewide basis.

36 SEC. 44. Section 101040 of the Education Code is amended
37 to read:

38 101040. (a) The system of public universities in this state
39 includes the University of California, the college named in Section

1 92200, and the California State University, and their respective
2 off-campus centers.

3 (b) The 2006 University Capital Outlay Bond Fund is hereby
4 established in the State Treasury for deposit of funds from the
5 proceeds of bonds issued and sold for the purposes of this chapter.

6 (c) The Higher Education Facilities Finance Committee
7 established pursuant to Section 67353 is hereby authorized to create
8 a debt or debts, liability or liabilities, of the State of California
9 pursuant to this chapter for the purpose of providing funds to aid
10 the University of California, the college named in Section 92200,
11 and the California State University.

12 SEC. 45. Section 101041 of the Education Code is amended
13 to read:

14 101041. (a) From the proceeds of bonds issued and sold
15 pursuant to Article 4 (commencing with Section 101050), the sum
16 of eight hundred ninety million dollars (\$890,000,000) shall be
17 deposited in the 2006 University Capital Outlay Bond Fund for
18 the purposes of this article. When appropriated, these funds shall
19 be available for expenditure for the purposes of this article.

20 (b) The purposes of this article include assisting in meeting the
21 capital outlay financing needs of the University of California and
22 the college named in Section 92200.

23 (c) Of the amount made available under subdivision (a), the
24 amount of two hundred million dollars (\$200,000,000) shall be
25 used for capital improvements that expand and enhance medical
26 education programs with an emphasis on telehealth aimed at
27 developing high-tech approaches to health care.

28 (d) Proceeds from the sale of bonds issued and sold for the
29 purposes of this article may be used to fund construction on
30 existing campuses, including the construction of buildings and the
31 acquisition of related fixtures, construction of facilities that may
32 be used by more than one segment of public higher education
33 (intersegmental), the renovation and reconstruction of facilities,
34 site acquisition, the equipping of new, renovated, or reconstructed
35 facilities, which equipment shall have an average useful life of 10
36 years; and to provide funds for the payment of preconstruction
37 costs, including, but not limited to, preliminary plans and working
38 drawings for facilities of the University of California and the
39 college named in Section 92200.

1 SEC. 46. Section 101051 of the Education Code is amended
2 to read:

3 101051. (a) The bonds authorized by this chapter shall be
4 prepared, executed, issued, sold, paid, and redeemed as provided
5 in the State General Obligation Bond Law (Chapter 4 (commencing
6 with Section 16720) of Part 3 of Division 4 of Title 2 of the
7 Government Code), and all of the provisions of that law, except
8 Section 16727 of the Government Code to the extent that it
9 conflicts with this part, apply to the bonds and to this chapter and
10 are hereby incorporated into this chapter as though set forth in full
11 within this chapter.

12 (b) For the purposes of the State General Obligation Bond Law,
13 each state agency administering an appropriation of the 2006
14 University Capital Outlay Bond Fund is designated as the “board”
15 for projects funded pursuant to this chapter.

16 (c) The proceeds of the bonds issued and sold pursuant to this
17 chapter shall be available for the purpose of funding aid to the
18 University of California, the college named in Section 92200, and
19 the California State University, for the construction on existing or
20 new campuses, and their respective off-campus centers and joint
21 use and intersegmental facilities, as set forth in this chapter.

22 SEC. 47. Section 101057 of the Education Code is amended
23 to read:

24 101057. (a) For the purposes of carrying out this chapter, the
25 Director of Finance may authorize the withdrawal from the General
26 Fund of an amount not to exceed the amount of the unsold bonds
27 that have been authorized by the Higher Education Facilities
28 Finance Committee to be sold for the purpose of carrying out this
29 chapter. Any amounts withdrawn shall be deposited in the 2006
30 University Capital Outlay Bond Fund consistent with this chapter.
31 Any money made available under this section shall be returned to
32 the General Fund, plus an amount equal to the interest that the
33 money would have earned in the Pooled Money Investment
34 Account, from proceeds received from the sale of bonds for the
35 purpose of carrying out this chapter.

36 (b) Any request forwarded to the Legislature and the Department
37 of Finance for funds from this bond issue for expenditure for the
38 purposes described in this chapter by the University of California,
39 the college named in Section 92200, or the California State
40 University shall be accompanied by the five-year capital outlay

1 plan. Requests forwarded by a university or college shall include
2 a schedule that prioritizes the seismic retrofitting needed to
3 significantly reduce, in the judgment of the particular university
4 or college, seismic hazards in buildings identified as high priority
5 by the university or college.

6 SEC. 48. Section 3527 of the Government Code is amended
7 to read:

8 3527. As used in this chapter:

9 (a) "Employee" means a civil service employee of the State of
10 California. The "State of California" as used in this chapter
11 includes those state agencies, boards, and commissions as may be
12 designated by law that employ civil service employees, except the
13 University of California, the college named in Section 92200 of
14 the Education Code, and the California State University.

15 (b) "Excluded employee," means all managerial employees, as
16 defined in subdivision (e) of Section 3513, all confidential
17 employees, as defined in subdivision (f) of Section 3513, and all
18 supervisory employees, as defined in subdivision (g) of Section
19 3513, and all civil service employees of the Department of Human
20 Resources, professional employees of the Department of Finance
21 engaged in technical or analytical state budget preparation other
22 than the auditing staff, professional employees in the
23 Personnel/Payroll Services Division of the Controller's office
24 engaged in technical or analytical duties in support of the state's
25 personnel and payroll systems other than the training staff,
26 employees of the Legislative Counsel Bureau, employees of the
27 Bureau of State Audits, employees of the Public Employment
28 Relations Board, conciliators employed by the California State
29 Mediation and Conciliation Service, employees of the office of
30 the State Chief Information Officer except as provided in Section
31 11546.5, and intermittent athletic inspectors who are employees
32 of the State Athletic Commission.

33 (c) "Supervisory employee organization" means an organization
34 that represents members who are supervisory employees under
35 subdivision (g) of Section 3513.

36 (d) "Excluded employee organization" means an organization
37 that includes excluded employees of the state, as defined in
38 subdivision (b), and that has as one of its primary purposes
39 representing its members in employer-employee relations.

1 Excluded employee organization includes supervisory employee
2 organizations.

3 (e) “State employer” or “employer,” for purposes of meeting
4 and conferring on matters relating to supervisory
5 employer-employee relations, means the Governor or the
6 Governor’s designated representatives.

7 SEC. 49. Section 3560 of the Government Code is amended
8 to read:

9 3560. The Legislature hereby finds and declares that:

10 (a) The people of the State of California have a fundamental
11 interest in the development of harmonious and cooperative labor
12 relations between the public institutions of higher education and
13 their employees.

14 (b) All other employees of the public school systems in the state
15 have been granted the opportunity for collective bargaining through
16 the adoption of Chapter 10.3 (commencing with Section 3512)
17 and Chapter 10.7 (commencing with Section 3540), and it would
18 be advantageous and desirable to expand the jurisdiction of the
19 board created thereunder to cover the employees of the University
20 of California, the college named in Section 92200 of the Education
21 Code, and the California State University. These institutions of
22 higher education have their own organizational characteristics.

23 (c) The people of the State of California have established a
24 system of higher education under the Constitution of the State of
25 California with the intention of providing an academic community
26 with full freedom of inquiry and insulation from political influence
27 in the administration thereof. In so doing, the people have caused
28 to be created the Regents of the University of California to govern
29 the University of California, the Board of Directors of the college
30 named in Section 92200 of the Education Code to govern the
31 college named in Section 92200 of the Education Code, an affiliate
32 of the University of California, and the Trustees of the California
33 State University to govern the California State University.

34 (d) The people and the aforementioned higher education
35 employers each have a fundamental interest in the preservation
36 and promotion of the responsibilities granted by the people of the
37 State of California. Harmonious relations between each higher
38 education employer and its employees are necessary to that
39 endeavor.

(e) It is the purpose of this chapter to provide the means by which relations between each higher education employer and its employees may assure that the responsibilities and authorities granted to the separate institutions under the Constitution and by statute are carried out in an atmosphere which permits the fullest participation by employees in the determination of conditions of employment which affect them. It is the intent of this chapter to accomplish this purpose by providing a uniform basis for recognizing the right of the employees of these systems to full freedom of association, self-organization, and designation of representatives of their own choosing for the purpose of representation in their employment relationships with their employers and to select one of these organizations as their exclusive representative for the purpose of meeting and conferring.

SEC. 50. Section 3561 of the Government Code is amended to read:

3561. (a) It is the further purpose of this chapter to provide orderly and clearly defined procedures for meeting and conferring and the resolution of impasses, and to define and prohibit certain practices that are inimical to the public interest.

(b) The Legislature recognizes that joint decisionmaking and consultation between administration and faculty or academic employees is the long-accepted manner of governing institutions of higher learning and is essential to the performance of the educational missions of these institutions, and declares that it is the purpose of this chapter to both preserve and encourage that process. This chapter shall not be construed to restrict, limit, or prohibit the full exercise of the functions of the faculty in any shared governance mechanisms or practices, including the Academic Senate of the University of California and the divisions thereof, the Academic Senates of the California State University, and other faculty councils, with respect to policies on academic and professional matters affecting the California State University, the University of California, or the college named in Section 92200 of the Education Code. The principle of peer review of appointment, promotion, retention, and tenure for academic employees shall be preserved.

(c) It is the policy of the State of California to encourage the pursuit of excellence in teaching, research, and learning through the free exchange of ideas among the faculty, students, and staff

1 of the University of California, the college named in Section 92200
2 of the Education Code, and the California State University. All
3 parties subject to this chapter shall respect and endeavor to preserve
4 academic freedom in the University of California, the college
5 named in Section 92200 of the Education Code, and the California
6 State University.

7 SEC. 51. Section 3562 of the Government Code is amended
8 to read:

9 3562. As used in this chapter:

10 (a) "Arbitration" means a method of resolving a rights dispute
11 under which the parties to a controversy must accept the award of
12 a third party.

13 (b) "Board" means the Public Employment Relations Board
14 established pursuant to Section 3513.

15 (c) "Certified organization" means an employee organization
16 that has been certified by the board as the exclusive representative
17 of the employees in an appropriate unit after a proceeding under
18 Article 5 (commencing with Section 3573).

19 (d) "Confidential employee" means any employee who is
20 required to develop or present management positions with respect
21 to meeting and conferring or whose duties normally require access
22 to confidential information which contributes significantly to the
23 development of those management positions.

24 (e) "Employee" or "higher education employee" means any
25 employee, including student employees whose employment is
26 contingent on their status as students, of the Regents of the
27 University of California, the Board of Directors of the college
28 named in Section 92200 of the Education Code, or the Trustees
29 of the California State University. However, managerial and
30 confidential employees and employees whose principal place of
31 employment is outside the State of California at a worksite with
32 100 or fewer employees shall be excluded from coverage under
33 this chapter.

34 (f) (1) "Employee organization" means any organization of any
35 kind in which higher education employees participate and that
36 exists for the purpose, in whole or in part, of dealing with higher
37 education employers concerning grievances, labor disputes, wages,
38 hours, and other terms and conditions of employment of employees.
39 An organization that represents one or more employees whose
40 principal worksite is located outside the State of California is an

1 employee organization only if it has filed with the board and with
2 the employer a statement agreeing, in consideration of obtaining
3 the benefits of status as an employee organization pursuant to this
4 chapter, to submit to the jurisdiction of the board. The board shall
5 promulgate the form of the statement.

6 (2) "Employee organization" shall also include any person that
7 an employee organization authorizes to act on its behalf. An
8 academic senate, or other similar academic bodies, or divisions
9 thereof, shall not be considered employee organizations for the
10 purposes of this chapter.

11 (g) "Employer" or "higher education employer" means the
12 Regents of the University of California in the case of the University
13 of California, the Board of Directors of the college named in
14 Section 92200 of the Education Code in the case of the college
15 named in Section 92200 of the Education Code, and the Trustees
16 of the California State University in the case of the California State
17 University, including any person acting as an agent of an employer.

18 (h) "Employer representative" means any person or persons
19 authorized to act on behalf of the employer.

20 (i) "Exclusive representative" means any recognized or certified
21 employee organization or person it authorizes to act on its behalf.

22 (j) "Impasse" means that the parties have reached a point in
23 meeting and conferring at which their differences in positions are
24 such that further meetings would be futile.

25 (k) "Managerial employee" means any employee having
26 significant responsibilities for formulating or administering policies
27 and programs. No employee or group of employees shall be
28 deemed to be managerial employees solely because the employee
29 or group of employees participates in decisions with respect to
30 courses, curriculum, personnel, and other matters of educational
31 policy. A department chair or head of a similar academic unit or
32 program who performs the foregoing duties primarily on behalf
33 of the members of the academic unit or program shall not be
34 deemed a managerial employee solely because of those duties.

35 (l) "Mediation" means the efforts of a third person, or persons,
36 functioning as intermediaries, to assist the parties in reaching a
37 voluntary resolution to an impasse.

38 (m) "Meet and confer" means the performance of the mutual
39 obligation of the higher education employer and the exclusive
40 representative of its employees to meet at reasonable times and to

1 confer in good faith with respect to matters within the scope of
2 representation and to endeavor to reach agreement on matters
3 within the scope of representation. The process shall include
4 adequate time for the resolution of impasses. If agreement is
5 reached between representatives of the higher education employer
6 and the exclusive representative, they shall jointly prepare a written
7 memorandum of the understanding, which shall be presented to
8 the higher education employer for concurrence. However, these
9 obligations shall not compel either party to agree to any proposal
10 or require the making of a concession.

11 (n) "Person" means one or more individuals, organizations,
12 associations, corporations, boards, committees, commissions,
13 agencies, or their representatives.

14 (o) "Professional employee" means:

15 (1) Any employee engaged in work: (A) predominantly
16 intellectual and varied in character as opposed to routine mental,
17 manual, mechanical, or physical work; (B) involving the consistent
18 exercise of discretion and judgment in its performance; (C) of a
19 character so that the output produced or the result accomplished
20 cannot be standardized in relation to a given period of time; and
21 (D) requiring knowledge of an advanced type in a field of science
22 or learning customarily acquired by a prolonged course of
23 specialized intellectual instruction and study in an institution of
24 higher learning or a hospital, as distinguished from a general
25 academic education or from an apprenticeship or from training in
26 the performance of routine mental, manual, or physical processes.

27 (2) Any employee who: (A) has completed the courses of
28 specialized intellectual instruction and study described in
29 subparagraph (D) of paragraph (1), and (B) is performing related
30 work under the supervision of a professional person to qualify
31 themselves to become a professional employee as defined in
32 paragraph (1).

33 (p) "Recognized organization" means an employee organization
34 that has been recognized by an employer as the exclusive
35 representative of the employees in an appropriate unit pursuant to
36 Article 5 (commencing with Section 3573).

37 (q) (1) For purposes of the University of California only, "scope
38 of representation" means, and is limited to, wages, hours of
39 employment, and other terms and conditions of employment. The
40 scope of representation shall not include any of the following:

1 (A) Consideration of the merits, necessity, or organization of
2 any service, activity, or program established by law or resolution
3 of the regents or the directors, except for the terms and conditions
4 of employment of employees who may be affected thereby.

5 (B) The amount of any fees that are not a term or condition of
6 employment.

7 (C) Admission requirements for students, conditions for the
8 award of certificates and degrees to students, which include what
9 is required for students to achieve satisfactory progress toward
10 their degrees, and the content and supervision of courses, curricula,
11 and research programs, as those terms are intended by the standing
12 orders of the regents or the directors.

13 (D) Procedures and policies to be used for the appointment,
14 promotion, and tenure of members of the academic senate, the
15 procedures to be used for the evaluation of the members of the
16 academic senate, and the procedures for processing grievances of
17 members of the academic senate. The exclusive representative of
18 members of the academic senate shall have the right to consult
19 and be consulted on matters excluded from the scope of
20 representation pursuant to this subparagraph. If the academic senate
21 determines that any matter in this subparagraph should be within
22 the scope of representation, or if any matter in this subparagraph
23 is withdrawn from the responsibility of the academic senate, the
24 matter shall be within the scope of representation.

25 (2) All matters not within the scope of representation are
26 reserved to the employer and may not be subject to meeting and
27 conferring, provided that nothing herein may be construed to limit
28 the right of the employer to consult with any employees or
29 employee organization on any matter outside the scope of
30 representation.

31 (r) (1) For purposes of the California State University only,
32 “scope of representation” means, and is limited to, wages, hours
33 of employment, and other terms and conditions of employment.
34 The scope of representation shall not include:

35 (A) Consideration of the merits, necessity, or organization of
36 any service, activity, or program established by statute or
37 regulations adopted by the trustees, except for the terms and
38 conditions of employment of employees who may be affected
39 thereby.

1 (B) The amount of any student fees that are not a term or
2 condition of employment.

3 (C) Admission requirements for students, conditions for the
4 award of certificates and degrees to students, and the content and
5 conduct of courses, curricula, and research programs.

6 (D) Criteria and standards to be used for the appointment,
7 promotion, evaluation, and tenure of academic employees, which
8 shall be the joint responsibility of the academic senate and the
9 trustees. The exclusive representative shall have the right to consult
10 and be consulted on matters excluded from the scope of
11 representation pursuant to this subparagraph. If the trustees
12 withdraw any matter in this subparagraph from the responsibility
13 of the academic senate, the matter shall be within the scope of
14 representation.

15 (E) The amount of rental rates for housing charged to California
16 State University employees.

17 (2) All matters not within the scope of representation are
18 reserved to the employer, and may not be subject to meeting and
19 conferring, provided that nothing herein may be construed to limit
20 the right of the employer to consult with any employees or
21 employee organization on any matter outside the scope of
22 representation.

23 SEC. 52. Section 3572.3 of the Government Code is amended
24 to read:

25 3572.3. (a) This section shall apply only to the University of
26 California.

27 (b) The duty to engage in meeting and conferring requires the
28 parties to begin meeting and conferring at least 60 days prior to
29 the expiration of memoranda of understanding, or the May 1, if
30 earlier, of any year in which a memorandum shall expire, or May
31 1, if there is no existing memorandum. The University of California
32 and the college named in Section 92200 of the Education Code
33 shall maintain close liaison with the Department of Finance and
34 the Legislature relative to the meeting and conferring on provisions
35 of the written memoranda which have fiscal ramifications.

36 (c) A written memoranda reached pursuant to the provisions of
37 this chapter which require budgetary or curative action by the
38 Legislature or other funding agencies shall not be effective unless
39 and until such an action has been taken. Following execution of
40 written memoranda of understanding, an appropriate request for

1 financing or budgetary funding in the aggregate for all state-funded
2 employees or for necessary legislation will be forwarded promptly
3 to the Legislature and the Governor or other funding agencies.
4 When memoranda require legislative action pursuant to this section,
5 if the Legislature or the Governor fail to fully fund the memoranda
6 or to take the requisite curative action, the entire memoranda shall
7 be referred back to the parties for further meeting and conferring;
8 provided, however, that the parties may agree that provisions of
9 the memoranda which are nonbudgetary and do not require funding
10 shall take effect whether or not the aggregate funding requests
11 submitted to the Legislature are approved. The Legislature
12 recognizes that the University of California's sources of funding
13 are multiple and approval by the Legislature, and by other public
14 agencies, as to employees funded by those agencies, may be
15 required prior to implementation of increased expenditures
16 resulting from agreements reached in accordance with the
17 provisions of this chapter.

18 SEC. 53. Section 3580.3 of the Government Code is amended
19 to read:

20 3580.3. "Supervisory employee" means any individual,
21 regardless of the job description or title, having authority, in the
22 interest of the employer to hire, transfer, suspend, lay off, recall,
23 promote, discharge, assign, reward, or discipline other employees,
24 or responsibility to direct them, or to adjust their grievances, or
25 effectively to recommend such action, if, in connection with the
26 foregoing, the exercise of such authority is not of a merely routine
27 or clerical nature, but requires the use of independent judgment.
28 With respect to faculty or academic employees, any department
29 chair, head of a similar academic unit or program, or other
30 employee who performs the foregoing duties primarily in the
31 interest of and on behalf of the members of the academic
32 department, unit or program, shall not be deemed a supervisory
33 employee solely because of such duties; provided, that with respect
34 to the University of California and the college named in Section
35 92200 of the Education Code, there shall be a rebuttable
36 presumption that such an individual appointed by the employer to
37 an indefinite term shall be deemed to be a supervisor. Employees
38 whose duties are substantially similar to those of their subordinates
39 shall not be considered to be supervisory employees.

1 SEC. 54. Section 3592 of the Government Code is amended
2 to read:

3 3592. The panel shall, within 10 days after its appointment,
4 meet with the parties or their representatives and consider their
5 respective positions. The panel may make additional inquiries and
6 investigations, hold hearings, and take other steps that it may deem
7 appropriate. For the purpose of the hearings, investigations, and
8 inquiries, the panel may issue subpoenas requiring the attendance
9 and testimony of witnesses and the production of evidence. The
10 Regents of the University of California, the Board of Directors of
11 the college named in Section 92200 of the Education Code, and
12 the Trustees of the California State University shall furnish the
13 panel, upon its request, with all records, papers, and information
14 in their possession relating to any matter under investigation by
15 or in issue before the panel, except for those records, books, and
16 information which are confidential by statute.

17 SEC. 55. Section 3593 of the Government Code is amended
18 to read:

19 3593. (a) If the dispute is not settled within 30 days after the
20 appointment of the panel, or, upon agreement by both parties,
21 within a longer period, the panel shall make findings of fact and
22 recommend terms of settlement, which recommendations shall be
23 advisory only. Any findings of fact and recommended terms of
24 settlement shall be submitted in writing to the parties privately
25 before they are made public. The panel, subject to the rules and
26 regulations of the board, may make those findings and
27 recommendations public 10 days thereafter. During this 10-day
28 period, the parties are prohibited from making the panel's findings
29 and recommendations public.

30 (b) The costs for the services of the panel chairperson, including
31 per diem fees, if any, and actual and necessary travel and
32 subsistence expenses, shall be borne by the board. Any other
33 mutually incurred costs shall be borne equally by the employer
34 and the exclusive representative. Each party shall bear the costs it
35 incurs for the panel member it selects.

36 (c) (1) This subdivision applies only to disputes relating to the
37 faculty and librarians of the University of California and the college
38 named in Section 92200 of the Education Code. For the purposes
39 of this subdivision, "faculty" means teachers employed to teach
40 courses and authorize the granting of credit for the successful

1 completion of courses, and excludes employees whose employment
2 is contingent on their status as students.

3 (2) Irrespective of whether the panel makes its findings and
4 recommendations public pursuant to subdivision (a), the Regents
5 of the University of California and the Board of Directors of the
6 college named in Section 92200 of the Education Code, as
7 appropriate, shall make the findings and recommendations of the
8 panel public after the 10-day period prescribed by subdivision (a)
9 has ended. These findings and recommendations shall be posted
10 in a prominent public place, and copies of the findings and
11 recommendations shall be made available to any person attending
12 the next regularly scheduled public meeting of the regents or the
13 directors, as appropriate. The publicly distributed agenda of the
14 next regularly scheduled meeting of the Regents of the University
15 of California or the Board of Directors of the college named in
16 Section 92200 of the Education Code, as appropriate, shall
17 reference the availability of these findings and recommendations.

18 (3) It is the intent of the Legislature that the Regents of the
19 University of California or the Board of Directors of the college
20 named in Section 92200 of the Education Code, as appropriate,
21 shall act upon the findings and recommendations of the panel at
22 an open and public meeting within 90 days of their submission to
23 the parties by the panel.

24 SEC. 56. Section 8248 of the Government Code is amended
25 to read:

26 8248. The commission shall do all of the following:

27 (a) Evaluate the compensation and classification plans for state
28 civil service and related employees and the employees of the
29 University of California, college named in Section 92200 of the
30 Education Code, and the California State University conferred
31 under the Higher Education Employer-Employee Relations Act
32 on the basis of objective, job-related criteria in order to advise the
33 Legislature of the explicit worth or value of those services and
34 positions.

35 (b) Determine where compensation and classification inequities
36 exist based on comparability of the value of work, giving primary
37 consideration to identifying and correcting inequities between
38 female dominated and male dominated classes of employees in
39 state service.

1 (c) Report, by January 1, 2003, to the Legislature and to the
2 parties meeting and conferring pursuant to Sections 3517 and 3570
3 all findings as may be required in order to implement the principles
4 of equitable compensation and classification based on
5 comparability of value of work as part of the state compensation
6 and classification plans and negotiated agreements, including, but
7 not limited to, factor values, comparative job ratings, gender
8 makeup of all job classifications, present salary structures, policy
9 recommendations, and annual cost estimates for the implementation
10 of an equitable compensation program.

11 (d) This section shall not be implemented unless and until funds
12 are appropriated by the Legislature in the annual Budget Act or
13 another statute.

14 SEC. 57. Section 8880.5 of the Government Code is amended
15 to read:

16 8880.5. Allocations for education:

17 The California State Lottery Education Fund is created within
18 the State Treasury, and is continuously appropriated for carrying
19 out the purposes of this chapter. The Controller shall draw warrants
20 on this fund and distribute them quarterly in the following manner,
21 provided that the payments specified in subdivisions (a) to (g),
22 inclusive, shall be equal per capita amounts.

23 (a) (1) Payments shall be made directly to public school
24 districts, including county superintendents of schools, serving
25 kindergarten and grades 1 to 12, inclusive, or any part thereof, on
26 the basis of an equal amount for each unit of average daily
27 attendance, as defined by law and adjusted pursuant to subdivision
28 (l).

29 (2) For purposes of this paragraph, in each of the 2008–09,
30 2009–10, 2010–11, 2011–12, 2012–13, 2013–14, and 2014–15
31 fiscal years, the number of units of average daily attendance in
32 each of those fiscal years for programs for public school districts,
33 including county superintendents of schools, serving kindergarten
34 and grades 1 to 12, inclusive, shall include the same amount of
35 average daily attendance for classes for adults and regional
36 occupational centers and programs used in the calculation made
37 pursuant to this subdivision for the 2007–08 fiscal year.

38 (b) Payments shall also be made directly to public school
39 districts serving community colleges, on the basis of an equal

1 amount for each unit of average daily attendance, as defined by
2 law.

3 (c) Payments shall also be made directly to the Board of Trustees
4 of the California State University on the basis of an amount for
5 each unit of equivalent full-time enrollment. Funds received by
6 the trustees shall be deposited in and expended from the California
7 State University Trust Fund or, at the discretion of the trustees,
8 deposited in local trust accounts in accordance with subdivision
9 (j) of Section 89721 of the Education Code.

10 (d) Payments shall also be made directly to the Regents of the
11 University of California on the basis of an amount for each unit
12 of equivalent full-time enrollment.

13 (e) Payments shall also be made directly to the Board of
14 Directors of the college named in Section 92200 of the Education
15 Code on the basis of an amount for each unit of equivalent full-time
16 enrollment.

17 (f) Payments shall also be made directly to the Department of
18 the Youth Authority for educational programs serving kindergarten
19 and grades 1 to 12, inclusive, or any part thereof, on the basis of
20 an equal amount for each unit of average daily attendance, as
21 defined by law.

22 (g) Payments shall also be made directly to the two California
23 Schools for the Deaf, the California School for the Blind, and the
24 three Diagnostic Schools for Neurologically Handicapped Children,
25 on the basis of an amount for each unit of equivalent full-time
26 enrollment.

27 (h) Payments shall also be made directly to the State Department
28 of Developmental Services and the State Department of State
29 Hospitals for clients with developmental or mental disabilities who
30 are enrolled in state hospital education programs, including
31 developmental centers, on the basis of an equal amount for each
32 unit of average daily attendance, as defined by law.

33 (i) No Budget Act or other statutory provision shall direct that
34 payments for public education made pursuant to this chapter be
35 used for purposes and programs, including workload adjustments
36 and maintenance of the level of service, authorized by Chapters
37 498, 565, and 1302 of the Statutes of 1983, Chapter 97 or 258 of
38 the Statutes of 1984, or Chapter 1 of the Statutes of the 1983–84
39 Second Extraordinary Session.

1 (j) School districts and other agencies receiving funds distributed
2 pursuant to this chapter may at their option utilize funds allocated
3 by this chapter to provide additional funds for those purposes and
4 programs prescribed by subdivision (i) for the purpose of
5 enrichment or expansion.

6 (k) As a condition of receiving any moneys pursuant to
7 subdivision (a) or (b), each school district and county
8 superintendent of schools shall establish a separate account for the
9 receipt and expenditure of those moneys, which account shall be
10 clearly identified as a lottery education account.

11 (l) Commencing with the 1998–99 fiscal year, and each year
12 thereafter, for purposes of subdivision (a), average daily attendance
13 shall be increased by the statewide average rate of excused
14 absences for the 1996–97 fiscal year as determined pursuant to the
15 provisions of Chapter 855 of the Statutes of 1997. The statewide
16 average excused absence rate, and the corresponding adjustment
17 factor required for the operation of this subdivision, shall be
18 certified to the Controller by the Superintendent of Public
19 Instruction.

20 (m) It is the intent of this chapter that all funds allocated from
21 the California State Lottery Education Fund shall be used
22 exclusively for the education of pupils and students and no funds
23 shall be spent for acquisition of real property, construction of
24 facilities, financing of research, or any other noninstructional
25 purpose.

26 SEC. 58. Section 11012 of the Government Code is amended
27 to read:

28 11012. (a) If any state agency, including, but not limited to,
29 state agencies acting in a fiduciary capacity, is authorized to invest
30 funds, or to sell or exchange securities, prior approval of the
31 Department of Finance to the investment, sale, or exchange shall
32 be secured.

33 (b) Every state agency shall furnish the Department of Finance
34 with the reports and in the form, relating to the funds or securities,
35 their acquisition, sale, or exchange, as may be requested by the
36 Department of Finance from time to time.

37 (c) This section does not apply to the following state agencies:

38 (1) Any state agency if issuing or dealing in securities authorized
39 to be issued by it.

40 (2) The State Treasurer.

1 (3) The Regents of the University of California.

2 (4) The Employment Development Department.

3 (5) The Department of Veterans Affairs.

4 (6) The college named in Section 92200 of the Education Code.

5 (7) The Board of Administration of the Public Employees'
6 Retirement System.

7 (8) The State Compensation Insurance Fund.

8 (9) The California Transportation Commission and the
9 Department of Transportation if acting in accordance with bond
10 resolutions adopted under the California Toll Bridge Authority
11 Act (Chapter 1 (commencing with Section 30000) of Division 17
12 of the Streets and Highways Code) prior to September 15, 1945.

13 (10) The Teachers' Retirement Board of the State Teachers'
14 Retirement System.

15 (11) The State Athletic Commission if acting pursuant to Section
16 18882 of the Business and Professions Code with respect to the
17 Boxers' Pension Fund.

18 SEC. 59. Section 11346.3 of the Government Code is amended
19 to read:

20 11346.3. (a) A state agency proposing to adopt, amend, or
21 repeal any administrative regulation shall assess the potential for
22 adverse economic impact on California business enterprises and
23 individuals, avoiding the imposition of unnecessary or unreasonable
24 regulations or reporting, recordkeeping, or compliance
25 requirements. For purposes of this subdivision, assessing the
26 potential for adverse economic impact shall require agencies, when
27 proposing to adopt, amend, or repeal a regulation, to adhere to the
28 following requirements, to the extent that these requirements do
29 not conflict with other state or federal laws:

30 (1) The proposed adoption, amendment, or repeal of a regulation
31 shall be based on adequate information concerning the need for,
32 and consequences of, proposed governmental action.

33 (2) The state agency, prior to submitting a proposal to adopt,
34 amend, or repeal a regulation to the office, shall consider the
35 proposal's impact on business, with consideration of industries
36 affected including the ability of California businesses to compete
37 with businesses in other states. For purposes of evaluating the
38 impact on the ability of California businesses to compete with
39 businesses in other states, an agency shall consider, but not be
40 limited to, information supplied by interested parties.

1 (3) An economic impact assessment prepared pursuant to this
2 subdivision for a proposed regulation that is not a major regulation
3 or that is a major regulation proposed prior to November 1, 2013,
4 shall be prepared in accordance with subdivision (b), and shall be
5 included in the initial statement of reasons as required by Section
6 11346.2. An economic assessment prepared pursuant to this
7 subdivision for a major regulation proposed on or after November
8 1, 2013, shall be prepared in accordance with subdivision (c), and
9 shall be included in the initial statement of reasons as required by
10 Section 11346.2.

11 (b) (1) A state agency proposing to adopt, amend, or repeal a
12 regulation that is not a major regulation or that is a major regulation
13 proposed prior to November 1, 2013, shall prepare an economic
14 impact assessment that assesses whether and to what extent it will
15 affect the following:

16 (A) The creation or elimination of jobs within the state.

17 (B) The creation of new businesses or the elimination of existing
18 businesses within the state.

19 (C) The expansion of businesses currently doing business within
20 the state.

21 (D) The benefits of the regulation to the health and welfare of
22 California residents, worker safety, and the state's environment.

23 (2) This subdivision does not apply to the University of
24 California, the college named in Section 92200 of the Education
25 Code, or the Fair Political Practices Commission.

26 (3) Information required from a state agency for the purpose of
27 completing the assessment may come from existing state
28 publications.

29 (4) (A) For purposes of conducting the economic impact
30 assessment pursuant to this subdivision, a state agency may use
31 the consolidated definition of small business in subparagraph (B)
32 in order to determine the number of small businesses within the
33 economy, a specific industry sector, or geographic region. The
34 state agency shall clearly identify the use of the consolidated small
35 business definition in its rulemaking package.

36 (B) For the exclusive purpose of undertaking the economic
37 impact assessment, a "small business" means a business that is all
38 of the following:

39 (i) Independently owned and operated.

40 (ii) Not dominant in its field of operation.

1 (iii) Has fewer than 100 employees.

2 (C) Subparagraph (A) shall not apply to a regulation adopted
3 by the Department of Insurance that applies to an insurance
4 company.

5 (c) (1) Each state agency proposing to adopt, amend, or repeal
6 a major regulation on or after November 1, 2013, shall prepare a
7 standardized regulatory impact analysis in the manner prescribed
8 by the Department of Finance pursuant to Section 11346.36. The
9 standardized regulatory impact analysis shall address all of the
10 following:

11 (A) The creation or elimination of jobs within the state.

12 (B) The creation of new businesses or the elimination of existing
13 businesses within the state.

14 (C) The competitive advantages or disadvantages for businesses
15 currently doing business within the state.

16 (D) The increase or decrease of investment in the state.

17 (E) The incentives for innovation in products, materials, or
18 processes.

19 (F) The benefits of the regulations, including, but not limited
20 to, benefits to the health, safety, and welfare of California residents,
21 worker safety, and the state's environment and quality of life,
22 among any other benefits identified by the agency.

23 (2) This subdivision shall not apply to the University of
24 California, the college named in Section 92200 of the Education
25 Code, or the Fair Political Practices Commission.

26 (3) Information required from state agencies for the purpose of
27 completing the analysis may be derived from existing state, federal,
28 or academic publications.

29 (d) Any administrative regulation adopted on or after January
30 1, 1993, that requires a report shall not apply to businesses, unless
31 the state agency adopting the regulation makes a finding that it is
32 necessary for the health, safety, or welfare of the people of the
33 state that the regulation apply to businesses.

34 (e) Analyses conducted pursuant to this section are intended to
35 provide agencies and the public with tools to determine whether
36 the regulatory proposal is an efficient and effective means of
37 implementing the policy decisions enacted in statute or by other
38 provisions of law in the least burdensome manner. Regulatory
39 impact analyses shall inform the agencies and the public of the
40 economic consequences of regulatory choices, not reassess

1 statutory policy. The baseline for the regulatory analysis shall be
2 the most cost-effective set of regulatory measures that are equally
3 effective in achieving the purpose of the regulation in a manner
4 that ensures full compliance with the authorizing statute or other
5 law being implemented or made specific by the proposed
6 regulation.

7 (f) Each state agency proposing to adopt, amend, or repeal a
8 major regulation on or after November 1, 2013, and that has
9 prepared a standardized regulatory impact analysis pursuant to
10 subdivision (c), shall submit that analysis to the Department of
11 Finance upon completion. The department shall comment, within
12 30 days of receiving that analysis, on the extent to which the
13 analysis adheres to the regulations adopted pursuant to Section
14 11346.36. Upon receiving the comments from the department, the
15 agency may update its analysis to reflect any comments received
16 from the department and shall summarize the comments and the
17 response of the agency along with a statement of the results of the
18 updated analysis for the statement required by paragraph (10) of
19 subdivision (a) of Section 11346.5.

20 SEC. 60. Section 14685 of the Government Code is amended
21 to read:

22 14685. (a) (1) The director shall appoint assistants, clerks,
23 and employees as may be necessary to maintain the state buildings
24 and grounds. The employees shall not have or perform the duties
25 or functions of peace officers.

26 (2) The department may establish rules and regulations for the
27 government and maintenance of the state buildings and grounds
28 consistent with this section. Every person who violates or attempts
29 to violate the rules and regulations is guilty of a misdemeanor.

30 (b) Information regarding missing children provided by the
31 Department of Justice pursuant to Section 14210 of the Penal Code
32 shall be posted in public areas of all state-owned or leased buildings
33 that have at least 20,000 square feet of office space, or that are
34 staffed by at least 50 employees, or where service is provided to
35 the general public and in other public areas of state-owned or leased
36 buildings as determined by the department to be reasonable.

37 (c) (1) Consistent with this section, the Department of the
38 California Highway Patrol may establish rules and regulations
39 pertaining to the protection of state employees, properties, buildings
40 and grounds, and occupants of state properties, including, but not

1 limited to, the issuance of permits concerning the use of state
2 buildings, properties, and grounds.

3 (2) A violation of any rule or regulation adopted pursuant to
4 paragraph (1) is a misdemeanor.

5 (3) This subdivision does not apply to state buildings or grounds
6 owned, leased, rented, controlled, used, or occupied by the
7 University of California, the California State University, the college
8 named in Section 92200 of the Education Code, the California
9 Exposition and State Fair, the state hospitals of the State
10 Department of State Hospitals or the State Department of
11 Developmental Services, the institutions and camps of the
12 Department of Corrections and Rehabilitation or the Division of
13 Juvenile Justice, and the parks and beaches of the Department of
14 Parks and Recreation.

15 (d) Notwithstanding any other law, the riding of a bicycle on
16 paved paths or walkways that are on the grounds of the State
17 Capitol that the Department of the California Highway Patrol has
18 designated as routes to access bicycle parking racks adjacent to
19 entrances to the State Capitol is permitted only if the bicycle is
20 ridden in a manner that is reasonable and prudent, having due
21 regard for pedestrians, weather conditions, visibility, other traffic,
22 and the surface and width of the path or walkway.

23 SEC. 61. Section 15855 of the Government Code is amended
24 to read:

25 15855. (a) Notwithstanding any other law, except as provided
26 in subdivision (b), the State Public Works Board is the only state
27 agency that may exercise the power of eminent domain to acquire
28 property needed by any state agency for any state purpose or
29 function.

30 (b) Subdivision (a) does not affect or limit the right of the
31 Department of Transportation, High-Speed Rail Authority,
32 Department of Water Resources, State Lands Commission, Central
33 Valley Flood Protection Board, the college named in Section 92200
34 of the Education Code, or the Regents of the University of
35 California to exercise the power of eminent domain. Subdivision
36 (a) does not affect or limit the exercise of the power of eminent
37 domain by the Department of Fish and Wildlife pursuant to Section
38 1348 of the Fish and Game Code.

39 (c) (1) Any eminent domain proceeding commenced by the
40 State Public Works Board for an acquisition for high-speed train

1 system purposes prior to, and pending after, January 1, 2019, shall
2 be deemed to have been commenced by the High-Speed Rail
3 Authority, and the High-Speed Rail Authority shall be
4 automatically substituted for the State Public Works Board as a
5 party in any such action. All subsequent proceedings shall be in
6 the name of the High-Speed Rail Authority. However, any
7 misnomer not affecting the parties' substantial rights shall be
8 disregarded. The court may order substitution at any time, but the
9 absence of such an order does not affect the substitution.

10 (2) The State Public Works Board shall file with the court and
11 serve on all parties to an action described in paragraph (1) a notice
12 that the High-Speed Rail Authority is automatically substituted in
13 place of the State Public Works Board and is the agency exercising
14 the power of eminent domain on behalf of the state in the action.

15 SEC. 62. Section 53533 of the Health and Safety Code is
16 amended to read:

17 53533. (a) Moneys deposited in the fund from the sale of bonds
18 pursuant to this part shall be allocated for expenditure in
19 accordance with the following schedule:

20 (1) Nine hundred ten million dollars (\$910,000,000) shall be
21 transferred to the Housing Rehabilitation Loan Fund to be
22 expended for the Multifamily Housing Program authorized by
23 Chapter 6.7 (commencing with Section 50675) of Part 2, except
24 for the following:

25 (A) Fifty million dollars (\$50,000,000) shall be transferred to
26 the Preservation Opportunity Fund and, notwithstanding Section
27 13340 of the Government Code, is continuously appropriated
28 without regard to fiscal years for the preservation of at-risk housing
29 pursuant to Chapter 5 (commencing with Section 50600) of Part
30 2.

31 (B) Twenty million dollars (\$20,000,000) shall be used for
32 nonresidential space for supportive services, including, but not
33 limited to, job training, health services, and child care within, or
34 immediately proximate to, projects to be funded under the
35 Multifamily Housing Program. This funding shall be in addition
36 to any applicable per-unit or project loan limits and may be in the
37 form of a grant. Service providers shall ensure that services are
38 available to project residents on a priority basis over the general
39 public.

1 (C) Twenty-five million dollars (\$25,000,000) shall be used for
2 matching grants to local housing trust funds pursuant to Section
3 50843.

4 (D) Fifteen million dollars (\$15,000,000) shall be used for
5 student housing through the Multifamily Housing Program, subject
6 to the following provisions:

7 (i) The department shall give first priority for projects on land
8 owned by a University of California or California State University
9 campus. Second priority shall be given to projects located within
10 one mile of a University of California or California State University
11 campus that is suffering from a severe shortage of housing and
12 limited availability of developable land as determined by the
13 department. Those determinations shall be set forth in the Notice
14 of Funding Availability and shall not be subject to the requirements
15 of Chapter 3.5 (commencing with Section 11340) of Part 1 of Title
16 2 of the Government Code.

17 (ii) All funds shall be matched on a one-to-one basis from
18 private sources or by the University of California or California
19 State University. For the purposes of this subparagraph, "University
20 of California" includes the college named in Section 92200 of the
21 Education Code.

22 (iii) Occupancy for the units shall be restricted to students
23 enrolled on a full-time basis in the University of California or
24 California State University.

25 (iv) Income eligibility pursuant to the Multifamily Housing
26 Program shall be established by verification of the combined
27 income of the student and their family.

28 (v) Any funds not used for this purpose within 24 months of
29 the date that the funds are made available shall be awarded pursuant
30 to subdivision (a) for the Downtown Rebound Program as set forth
31 in paragraph (3) of subdivision (a) of Section 50898.1.

32 (E) Any funds not encumbered for the purposes set forth in this
33 paragraph, except subparagraph (D), within 30 months of
34 availability shall revert to the Housing Rehabilitation Loan Fund
35 created by Section 50661 for general use in the Multifamily
36 Housing Program.

37 (2) One hundred ninety-five million dollars (\$195,000,000)
38 shall be transferred to the Emergency Housing and Assistance
39 Fund to be expended for the Emergency Housing and Assistance
40 Program authorized by Chapter 11.5 (commencing with Section

1 50800) of Part 2 and for supportive housing purposes specified in
2 paragraph (3).

3 (3) One hundred ninety-five million dollars (\$195,000,000)
4 shall be transferred to the Housing Rehabilitation Loan Fund to
5 be expended for supportive housing projects under the Multifamily
6 Housing Program authorized by Chapter 6.7 (commencing with
7 Section 50675) of Part 2, to serve individuals and households
8 moving from emergency shelters or transitional housing or those
9 at risk of homelessness.

10 (4) Two hundred million dollars (\$200,000,000) shall be
11 transferred to the Joe Serna, Jr. Farmworker Housing Grant Fund
12 to be expended for farmworker housing programs authorized by
13 Chapter 3.2 (commencing with Section 50517.5) of Part 2, except
14 for the following:

15 (A) Twenty-five million dollars (\$25,000,000) shall be used for
16 projects that serve migratory agricultural workers as defined in
17 subdivision (i) of Section 7602 of Title 25 of the California Code
18 of Regulations. If, after July 1, 2003, funds remain after the
19 approval of all feasible applications, the department shall be
20 deemed an eligible recipient for the purposes of reconstructing
21 migrant centers operated through the Office of Migrant Services
22 pursuant to Chapter 8.5 (commencing with Section 50710) that
23 would otherwise be scheduled for closure due to health or safety
24 considerations or are in need of significant repairs to ensure the
25 health and safety of the residents. Of the moneys allocated by this
26 subparagraph, the department shall receive fifteen million dollars
27 (\$15,000,000) for these purposes subject to the following
28 conditions and requirements:

29 (i) The amount available to the department as a recipient shall
30 be limited to ten million seven hundred thousand dollars
31 (\$10,700,000) prior to September 1, 2006. The department may
32 receive up to four million three hundred thousand dollars
33 (\$4,300,000) in additional funds after that date and prior to July
34 1, 2007, to the extent that unencumbered funds are available.

35 (ii) The department shall make at least eight million one hundred
36 fifty-nine thousand dollars (\$8,159,000) available for flexible loans
37 and grants for projects that serve migratory agricultural workers
38 pursuant to subdivision (a) of Section 50517.10. These funds shall
39 be available for encumbrance until September 1, 2006.

1 (iii) Any funds allocated by this subparagraph remaining
2 unencumbered on July 1, 2007, shall revert for general use in the
3 Joe Serna, Jr. Farmworker Housing Grant Program.

4 (B) Twenty million dollars (\$20,000,000) shall be used for
5 developments that also provide health services to the residents.
6 Recipients of these funds shall be required to provide ongoing
7 monitoring of funded developments to ensure compliance with the
8 requirements of the Joe Serna, Jr. Farmworker Housing Grant
9 Program. Projects receiving funds through this allocation shall be
10 ineligible for funding through the Joe Serna, Jr. Farmworker
11 Housing Grant Program.

12 (C) Except as provided in subparagraph (A), funds not
13 encumbered for the purposes set forth in this paragraph within 30
14 months of availability shall revert for general use in the Joe Serna,
15 Jr. Farmworker Housing Grant Program.

16 (5) Two hundred five million dollars (\$205,000,000) shall be
17 transferred to the Self-Help Housing Fund. Notwithstanding
18 Section 13340 of the Government Code and Section 50697.1, these
19 funds are hereby continuously appropriated without regard to fiscal
20 years to the department to be expended for the purposes of the
21 CalHome Program authorized by Chapter 6 (commencing with
22 Section 50650) of Part 2, except for the following:

23 (A) Seventy-five million dollars (\$75,000,000) shall be
24 transferred to the Building Equity and Growth in Neighborhoods
25 Fund to be used for the Building Equity and Growth in
26 Neighborhoods (BEGIN) Program pursuant to Chapter 4.5
27 (commencing with Section 50860) of Part 1.

28 (B) Five million dollars (\$5,000,000) shall be used to provide
29 grants to cities, counties, cities and counties, and nonprofit
30 organizations to provide grants for lower income tenants with
31 disabilities for the purpose of making exterior modifications to
32 rental housing in order to make that housing accessible to persons
33 with disabilities. For the purposes of this subparagraph, “exterior
34 modifications” includes modifications that are made to entryways
35 or to common areas of the structure or property. The program
36 provided for under this subparagraph shall not be subject to Chapter
37 3.5 (commencing with Section 11340) of Part 1 of Title 2 of the
38 Government Code.

1 (C) Ten million dollars (\$10,000,000) shall be expended for
2 construction management under the California Self-Help Housing
3 Program pursuant to subdivision (b) of Section 50696.

4 (D) Any funds not encumbered for the purposes set forth in this
5 paragraph within 30 months of availability shall revert for general
6 use in the CalHome Program.

7 (6) Five million dollars (\$5,000,000) shall be transferred to the
8 Housing Rehabilitation Loan Fund to be expended for capital
9 expenditures in support of local code enforcement and compliance
10 programs. This allocation shall not be subject to Chapter 3.5
11 (commencing with Section 11340) of Part 1 of Title 2 of the
12 Government Code. If the moneys allocated pursuant to this
13 paragraph are not expended within three years after being
14 transferred, the department may, in its discretion, transfer the
15 moneys to the Housing Rehabilitation Loan Fund to be expended
16 for the Multifamily Housing Program.

17 (7) Two hundred ninety million dollars (\$290,000,000) shall be
18 transferred to the Self-Help Housing Fund. Notwithstanding
19 Section 50697.1, these funds are hereby continuously appropriated
20 to the agency to be expended for the purposes of the California
21 Homebuyer's Downpayment Assistance Program authorized by
22 Chapter 11 (commencing with Section 51500) of Part 3, except
23 for the following:

24 (A) Fifty million dollars (\$50,000,000) shall be transferred to
25 the School Facilities Fee Assistance Fund as provided by
26 subdivision (a) of Section 51453 to be used for the Homebuyer
27 Down Payment Assistance Program of 2002 established by Section
28 51451.5.

29 (B) Eighty-five million dollars (\$85,000,000) shall be transferred
30 to the California Housing Loan Insurance Fund to be used for
31 purposes of Part 4 (commencing with Section 51600). The agency
32 may transfer these moneys as often as quarterly in amounts that
33 shall not exceed the dollar amount of new insurance written by
34 the agency during the preceding quarter for loans for the purchase
35 of homes made to owner-occupant borrowers with incomes not
36 exceeding 120 percent of the area median income, divided by the
37 risk-to-capital ratio required for the maintenance of satisfactory
38 credit ratings from nationally recognized credit rating services.

39 (C) (i) Twelve million five hundred thousand dollars
40 (\$12,500,000) shall be reserved for downpayment assistance to

1 low-income first-time home buyers who, as documented to the
2 agency by a nonprofit organization certified and funded to provide
3 home ownership counseling by a federally funded national
4 nonprofit corporation, are purchasing a residence in a community
5 revitalization area targeted by the nonprofit organization and who
6 have received home ownership counseling from the nonprofit
7 organization. Community revitalization areas shall be limited to
8 targeted neighborhoods identified by qualified nonprofit
9 organizations as those neighborhoods in need of economic
10 stimulation, renovation, and rehabilitation through efforts that
11 include increased home ownership opportunities for low-income
12 families.

13 (ii) Effective January 1, 2004, 50 percent of the funds available
14 pursuant to clause (i) shall be available for downpayment assistance
15 in an amount not to exceed 6 percent of the home sale price.

16 (iii) After 12 months of availability, if more than 50 percent of
17 the funds set aside pursuant to clause (ii) have been encumbered,
18 the agency shall discontinue that program and make all remaining
19 funds available for downpayment assistance pursuant to clause (i).
20 If, however, less than 50 percent of the funds allocated pursuant
21 to clause (ii) are encumbered after that 12-month period, the agency
22 may, at its sole discretion, either make all remaining funds provided
23 pursuant to clause (i) available for the purpose of clause (ii), or
24 may continue to implement clause (ii) until all of the funds
25 allocated for that purpose as of January 1, 2004, have been
26 encumbered.

27 (D) Twenty-five million dollars (\$25,000,000) shall be used for
28 downpayment assistance pursuant to Section 51505. After 18
29 months of availability, if the agency determines that the funds set
30 aside pursuant to this section will not be utilized for purposes of
31 Section 51505, these funds shall be available for the general use
32 of the agency for the purposes of the California Homebuyer's
33 Downpayment Assistance Program, but may also continue to be
34 available for the purposes of Section 51505.

35 (E) Funds not utilized for the purposes set forth in subparagraphs
36 (B) and (C) within 30 months shall revert for general use in the
37 California Homebuyer's Downpayment Assistance Program.

38 (8) One hundred million dollars (\$100,000,000) shall be
39 transferred to the Jobs Housing Improvement Account to be
40 expended as capital grants to local governments for increasing

1 housing pursuant to enabling legislation. If the enabling legislation
2 fails to become law in the 2001–02 Regular Session of the
3 Legislature, the specified allocation for this program shall be void
4 and the funds shall revert for general use in the Multifamily
5 Housing Program as specified in paragraph (1) of subdivision (a).

6 (b) No portion of the moneys allocated pursuant to this section
7 may be expended for project operating costs, except that this
8 section does not preclude expenditures for operating costs from
9 reserves required to be maintained by or on behalf of the project
10 sponsor.

11 (c) The Legislature may, from time to time, amend the
12 provisions of law related to programs to which funds are, or have
13 been, allocated pursuant to this section for the purpose of
14 improving the efficiency and effectiveness of the program, or for
15 the purpose of furthering the goals of the program.

16 (d) The Bureau of State Audits shall conduct periodic audits to
17 ensure that bond proceeds are awarded in a timely fashion and in
18 a manner consistent with this part, and that awardees of bond
19 proceeds are using funds in compliance with applicable provisions
20 of this part.

21 SEC. 63. Section 830.4 of the Penal Code is amended to read:

22 830.4. The following persons are peace officers whose authority
23 extends to any place in the state for the purpose of performing
24 their duties under the conditions as specified by statute. Those
25 peace officers may carry firearms only if authorized and under
26 terms and conditions specified by their employing agency.

27 (a) Members of the California National Guard have the powers
28 of peace officers when they are involved in any or all of the
29 following:

30 (1) Called or ordered into active state service by the Governor
31 pursuant to the provisions of Section 143 or 146 of the Military
32 and Veterans Code.

33 (2) Serving within the area wherein military assistance is
34 required.

35 (3) Directly assisting civil authorities in any of the situations
36 specified in Section 143 or 146 of the Military and Veterans Code.

37 The authority of the peace officer under this subdivision extends
38 to the area wherein military assistance is required as to a public
39 offense committed or which there is reasonable cause to believe
40 has been committed within that area. The requirements of Section

1 1031 of the Government Code are not applicable under those
2 circumstances.

3 (b) Security officers of the Department of Justice when
4 performing assigned duties as security officers.

5 (c) Security officers of the college named in Section 92200 of
6 the Education Code. These officers shall have authority of peace
7 officers only within the City and County of San Francisco.
8 Notwithstanding any other law, the peace officers designated by
9 this subdivision shall not be authorized by this subdivision to carry
10 firearms either on or off duty. Notwithstanding any other law, the
11 act which designated the persons described in this subdivision as
12 peace officers shall serve only to define those persons as peace
13 officers, the extent of their jurisdiction, and the nature and scope
14 of their authority, powers, and duties, and their status shall not
15 change for purposes of retirement, workers' compensation or
16 similar injury or death benefits, or other employee benefits.

17 SEC. 64. The Legislature finds and declares that Section 57 of
18 this act furthers the purposes of the California State Lottery Act
19 of 1984, enacted by Proposition 37 at the November 6, 1984,
20 statewide general election.