
SENATE COMMITTEE ON EDUCATION

Senator Benjamin Allen, Chair

2017 - 2018 Regular

Bill No: AB 819 **Hearing Date:** June 14, 2017
Author: Medina
Version: April 17, 2017
Urgency: No **Fiscal:** Yes
Consultant: Olgalilia Ramirez

Subject: California State University: regulations

SUMMARY

This bill eliminates the sunset date for provisions governing the adoption, amendment, or repeal of regulations by the California State University (CSU) Trustees and modifies the provisions to require CSU to post any proposed regulation on its Web site at least 45 days prior to consideration for adoption.

BACKGROUND

Existing law:

- 1) Until January 1, 2018, establishes procedures for the adoption, amendment or repeal of regulations by the CSU Trustees, rather than the process administered by the Office of Administrative Law pursuant to the Administrative Procedures Act . (Education Code (EC) § 89030.1)
- 2) Requires On or before January 15 of each year, the trustees to report to the Governor, the Senate Education Committee, and the Assembly Higher Education Committee as to all regulatory actions taken by the trustees during the previous calendar year. (EC § 89030.1 (f)).

ANALYSIS

This bill eliminates the sunset date for provisions governing the adoption, amendment, or repeal of regulations by the CSU Trustees and modifies the provisions to require CSU to post any proposed regulation on its Web site at least 45 prior to consideration for adoption.

STAFF COMMENTS

- 1) ***Need for the bill.*** Since 1996 the CSU has been granted the statutory authority to adopt, amend or repeal their own regulations instead of being required to follow the Administrative Procedures Act, which governs the regulatory process for other state agencies. According to the author, “CSU was granted this authority in recognition of the system’s unique nature and that their regulations tend to be different than many other agency regulations, in that CSU regulations are often academic in nature, rather than the type of regulations that impact the private sector.” CSU’s authority has been extended four times in the past 20 years with the most recent extension expiring on January 1, 2018.

This bill would extend the existing authority indefinitely and additionally require written notice 45 days before the adoption of a proposed regulation be publicly posted on the designated Web site.

- 2) **History.** Prior to the enactment of AB 3132 (Firestone, Chapter 938, Statutes of 1996), CSU was required to follow the Administrative Procedures Act (APA) when promulgating rules and regulations. With the enactment of AB 3132 the CSU Trustees were authorized to promulgate regulations without having to utilize the procedures outlined in the APA of the Government Code. This authority was granted for an initial period of five years and has since been extended by several statutes. Current law, enacted by AB 2126 (Block, Chapter 248, statutes of 2012) extends this authority until January 1, 2018. This bill would remove that sunset date.

Concerns have been raised that the existing regulations do not provide adequate oversight and accountability by the legislature and the public. According to the author, CSU would still be required to follow a public process, which takes place as part of the normal Board of Trustees meetings and requires a 45 day public notice and allows for public comment. Additionally, the CSU would still be required to annually report on all regulatory actions taken to the Governor, and the two relevant policy committees in each house.

SUPPORT

California State University

OPPOSITION

None received

-- END --