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15 *Attorneys for Plaintiffs Hastings College Conservation*  
16 *Committee; Stephen Hastings Breeze; Stephanie Azalea*  
17 *Brackel; Catherine Torstenson; Scott Hastings Breeze;*  
18 *Collette Breeze Meyers; and Colin Hastings Breeze*

ELECTRONICALLY

**FILED**

Superior Court of California,  
County of San Francisco

**10/04/2022**

**Clerk of the Court**

BY: JEFFREY FLORES

Deputy Clerk

**CGC-22-602149**

**SUPERIOR COURT OF CALIFORNIA**

**COUNTY OF SAN FRANCISCO—UNLIMITED JURISDICTION**

15 HASTINGS COLLEGE CONSERVATION  
16 COMMITTEE, an unincorporated association of  
17 alumni of Hastings College of the Law;  
18 STEPHEN HASTINGS BREEZE, an individual;  
19 STEPHANIE AZALEA BRACKEL, an  
20 individual; CATHERINE TORSTENSON, an  
21 individual; SCOTT HASTINGS BREEZE, an  
22 individual; COLLETTE BREEZE MEYERS, an  
23 individual; and COLIN HASTINGS BREEZE, an  
24 individual,

Plaintiffs,

vs.

25 STATE OF CALIFORNIA; DAVID FAIGMAN,  
26 in his official capacity as Chancellor and Dean of  
27 Hastings College of the Law; SIMONA  
28 AGNOLUCCI, in her official capacity as chair of  
the Board of Directors of Hastings College of the  
Law; CARL ROBERTSON, in his official  
capacity as vice chair of the Board of Directors of

Case No.: \_\_\_\_\_

**COMPLAINT FOR:**

- (1) **Declaratory Relief (Contracts Clauses)**  
(Code Civ. Proc., § 1060);
- (2) **Declaratory Relief (Bill of Attainder & Ex Post Facto)**  
(Code Civ. Proc., § 1060);
- (3) **Declaratory Relief (Collegiate Freedom)**  
(Code Civ. Proc., § 1060);
- (4) **Injunctive Relief (Taxpayer)**  
(Code Civ. Proc., § 526a & Common Law);
- (5) **Deprivation of Civil Rights**  
(42 U.S.C. § 1983);

Hastings College of the Law; SHASHIKALA  
DEB, in her official capacity as a director of  
Hastings College of the Law; MICHAEL  
EHRlich, in his official capacity as a director of  
Hastings College of the Law; ANDREW  
GIACOMINI, in his official capacity as a director  
of Hastings College of the Law; ANDREW  
HOUSTON, in his official capacity as a director  
of Hastings College of the Law; CLAES  
LEWENHAUPT, in his official capacity as a  
director of Hastings College of the Law; MARY  
NOEL PEPYS, in her official capacity as a  
director of Hastings College of the Law;  
COURTNEY POWER, in her official capacity as  
a director of Hastings College of the Law;  
ALBERT ZECHER, in his official capacity as a  
director of Hastings College of the Law; and  
DOES 1-25, inclusive,

Defendants.

**(6) Breach of Contract (Specific Performance);**  
and

**(7) Breach of Contract (Damages)**

1 Plaintiffs Hastings College Conservation Committee, on behalf of its members; and individuals  
2 Stephen Hastings Breeze; Stephanie Azalea Brackel; Catherine Torstenson; Scott Hastings Breeze;  
3 Collette Breeze Meyers; and Colin Hastings Breeze (collectively, “Plaintiffs”) file this Complaint  
4 against Defendants State of California; David Faigman, in his official capacity as Chancellor and  
5 Dean of Hastings College of the Law; and the following individuals in their official capacities as  
6 Directors of Hastings College of the Law: Simona Agnolucci; Carl Robertson; Shashikala Deb;  
7 Michael Ehrlich; Andrew Giacomini; Andrew Houston; Claes Lewenhaupt; Mary Noel Pepys;  
8 Courtney Power; Albert Zecher; and DOES 1-25, inclusive (collectively, “Defendants”).

### 9 INTRODUCTION

10 1. The University of California, Hastings College of the Law (“College”)—often referred  
11 to simply as “Hastings” by the legal community—has operated successfully in its current form since  
12 it was founded in 1878. Among the oldest law schools west of the Mississippi River, the College was  
13 founded by the first Chief Justice of the California Supreme Court, Serranus Clinton Hastings (“S.C.  
14 Hastings”), pursuant to his written agreement with the State of California, enshrined by State law (the  
15 “Act”). (Cal. Educ. Code, § 92200, *et seq.*) Specifically, S.C. Hastings agreed to pay into the State  
16 Treasury \$100,000 and to establish the College with S.C. Hastings to serve as its first Dean. The State  
17 of California, in turn, agreed to fund the College a minimum amount in perpetuity; that the College  
18 “shall forever be known and designated as the Hastings College of the Law;” and that an heir or  
19 representative of S.C. Hastings would at all times have a seat on the College’s Board of Directors (the  
20 “Board”), the College’s governing body, which is independent from the Regents of the University of  
21 California.

22 2. Despite the College’s success as the State’s first public law school and its long history  
23 of educating lawyers and encouraging public service, modern-day cancel-culturalists set their sights  
24 on the College’s name. Beginning in 2017, critics claimed in a couple of poorly sourced opinion  
25 pieces that S.C. Hastings fomented and financed raids by State-run militia on Native Americans in the  
26 late 1850’s and early 1860’s and that the College should therefore consider changing its name.  
27 Although there is no known evidence that S.C. Hastings desired, requested, or knowingly encouraged  
28 any atrocities against Native Americans, the accusations against S.C. Hastings soon snowballed.

1 Critics' initial accusation that S.C. Hastings financially-backed the State's militia (of which there is  
2 no direct proof), quickly turned into accusations that S.C. Hastings, himself, committed acts of  
3 genocide, and eventually culminated in the New York Times publishing a "hit-piece" written by  
4 Thomas Fuller on October 27, 2021, which wrongly, maliciously, and baselessly claimed that S.C.  
5 Hastings "masterminded" the killings of hundreds of Native Americans, including the Yuki people.

6 3. On November 2, 2021, mere days after Fuller's hit piece was published, the College's  
7 Board held an "emergency" meeting to discuss changing the College's name. It did so without  
8 providing any advanced notice to the public, as required by the Board's bylaws and State law. At the  
9 "emergency" meeting, the Board voted unanimously to direct the College's Chancellor and Dean,  
10 David Faigman, to work with the California Legislature and Governor to remove "Hastings" from the  
11 College's name—a move that the Yuki people and Native Americans did not request and that Dean  
12 Faigman previously opposed.

13 4. On July 27, 2022, the Board held a further meeting to decide what new name to  
14 recommend to the Legislature. Politicians spoke, Directors expressed sympathy with and for Native  
15 Americans and particularly the Yuki people, College leadership spoke of their work, needs and wants,  
16 Native people and their supporters passionately stated their case for a Native American name, and  
17 others commented on various aspects of the name-change controversy. After the discussion was  
18 ended, a lengthy resolution was immediately read by the Chair and unanimously approved by the  
19 Board, making clear that the name that was adopted by that resolution had been agreed upon by all  
20 members of the Board before the meeting began.

21 5. The State subsequently enacted AB 1936 to punitively remove the "Hastings" name  
22 from the College and the Hastings' hereditary seat from the Board, in the name of "restorative  
23 justice." In support of AB 1936's punitive measures against S.C. Hastings and his descendants, AB  
24 1936 states that "the Legislature finds and declares" that, *inter alia*, S.C. Hastings committed  
25 "genocidal acts" against Native Americans, despite neither S.C. Hastings nor his heirs having had any  
26 opportunity for a judicial trial as to these horrific allegations, and an unmistakable lack of evidence to  
27 support such defamatory findings.

6. This suit is brought by an association of alumni of the College and several descendants of S.C. Hastings to give effect to the U.S. and California Constitutions and the State's written contract with S.C. Hastings. The State's decision to erase "Hastings" from the College's name and remove the family's Board seat constitutes an unconstitutional impairment of the State's contractual obligations to S.C. Hastings and his descendants. The State's retroactively-applied punitive measures against S.C. Hastings and his descendants further violate constitutional prohibitions against bills of attainder and ex post facto laws, as well as the California Constitution's requirement that the College remain in its existing "form and character," free from sectarian or political influence. Should the Court deny Plaintiffs the declaratory and injunctive relief sought herein, then the individual Plaintiffs, as successors in interest of S.C. Hastings and/or third-party beneficiaries to his written agreement with the State, seek monetary damages and prejudgment interest from the State based upon the State's breach of its contractual commitments.

## PARTIES

7. Plaintiff Hastings College Conservation Committee (“HCCC”) is an unincorporated association of alumni of the College dedicated to preserving the College’s name, independence from sectarian or political influences, and freedom from wasteful and ultra vires use of its taxpayer funds. HCCC brings this Action on behalf its members. At least one member of HCCC pays State taxes, and has paid such tax within the past year, into the General Fund of the State of California, from which the College receives millions of dollars in annual funding.

8. Plaintiff Stephen Hastings Breeze, an individual and resident of Montana, is the great, great grandson of S.C. Hastings. Mr. Breeze is the son of Azalea Hastings, daughter of Harry C. Hastings, son of Robert Paul Hastings, son of S.C. Hastings.

9. Plaintiff Stephanie Azalea Brackel, an individual and resident of Montana, is the great, great, great granddaughter of S.C. Hastings. Ms. Brackel is the daughter of Plaintiff Stephen Hastings Breeze.

10. Plaintiff Catherine Torstenson, an individual and resident of Arizona, is the great, great, great granddaughter of S.C. Hastings. Ms. Torstenson is the daughter of Plaintiff Stephen Hastings Breeze.

1           11.     Plaintiff Scott Hastings Breeze, an individual and resident of Oregon, is the great, great,  
2 great grandson of S.C. Hastings. Mr. Breeze is the son of Plaintiff Stephen Hastings Breeze.

3           12.     Plaintiff Collette Breeze Meyers, an individual and resident of Nevada, is the great,  
4 great, great granddaughter of S.C. Hastings. Ms. Meyers is the daughter of Plaintiff Stephen Hastings  
5 Breeze.

6           13.     Plaintiff Colin Hastings Breeze, an individual and resident of Oregon, is the great,  
7 great, great, great grandson of S.C. Hastings and a recent graduate of the College. Mr. Breeze is the  
8 son of Plaintiff Scott Hastings Breeze.

9           14.     Plaintiffs Stephen Breeze, Brackel, Torstenson, Scott Breeze, Meyers, and Colin Breeze  
10 are collectively referred to herein as the “Individual Plaintiffs.”

11          15.     Defendant State of California is not shielded from this suit for declaratory, injunctive,  
12 and monetary relief by any doctrine of governmental immunity. (See *Souza & McCue Const. Co. v.*  
13 *Superior Ct. of San Benito Cnty.* (1962) 57 Cal. 2d 508, 510.) Plaintiffs seek to protect the State’s  
14 contract with S.C. Hastings from unconstitutional impairment by the State and, if necessary, to  
15 enforce the agreement against the State.

16          16.     Defendant David Faigman is an individual who, at all times relevant to this Complaint,  
17 has resided in California and principally conducts his business as Chancellor and Dean of the College  
18 in the City and County of San Francisco. Dean Faigman is sued herein in his official capacity as the  
19 Chancellor and Dean of the College.

20          17.     Defendant Simona Agnolucci is an individual who, on information and belief, has  
21 resided in the City and County of San Francisco at all times relevant to this Complaint, where she  
22 principally conducts her business as Chair of the Board. Chair Agnolucci is sued herein in her official  
23 capacity as Chair of the Board.

24          18.     Defendant Carl “Chip” Robertson is an individual who, at all times relevant to this  
25 Complaint, has resided in California. Mr. Robertson is sued herein in his official capacity as Vice  
26 Chair of the Board.

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1           19. Defendant Shashikala “Shashi” Deb is an individual who, at all times relevant to this  
2 Complaint, has resided in California. Ms. Deb is sued herein in her official capacity as a Director on  
3 the Board.

4           20. Defendant Michael Ehrlich is an individual who, at all times relevant to this Complaint,  
5 has resided in California. Mr. Ehrlich is sued herein in his official capacity as a Director on the  
6 Board.

7           21. Defendant Andrew Giacomini is an individual who, at all times relevant to this  
8 Complaint, has resided in California. Mr. Giacomini is sued herein in his official capacity as a  
9 Director on the Board.

10          22. Defendant Andrew Houston is an individual who, at all times relevant to this  
11 Complaint, has resided in California. Mr. Houston is sued herein in his official capacity as a Director  
12 on the Board.

13          23. Defendant Claes Lewenhaupt is an individual, resident of Virginia, a descendant of  
14 S.C. Hastings, and is sued herein in his official capacity as a Director on the Board.

15          24. Defendant Mary Noel Pepys is an individual who, at all times relevant to this  
16 Complaint, has resided in California. Ms. Pepys is sued herein in her official capacity as a Director on  
17 the Board.

18          25. Defendant Courtney Power is an individual who, at all times relevant to this Complaint,  
19 has resided in California. Ms. Power is sued herein in her official capacity as a Director on the Board.

20          26. Defendant Albert Zecher is an individual who, at all times relevant to this Complaint,  
21 has resided in California. Mr. Zecher is sued herein in his official capacity as a Director on the Board.

22          27. Defendants Faigman, Agnolucci, Robertson, Deb, Ehrlich, Giacomini, Houston,  
23 Lewenhaupt, Pepys, Power, and Zecher are collectively referred to herein as the “Individual  
24 Defendants.” The Individual Defendants are sued in their capacities as officials of the College, and  
25 not in an effort to collect damages from them.

26          28. Defendants DOES 1 through 25 are members, managers, partners, employees, agents,  
27 joint-venturers, and/or sureties of one or more of the other Defendants. DOES 1 through 25, and each  
28 of them, acted within the scope of said membership, management, partnership, employment, agency,

1 venture, or suretyship with the knowledge and consent or ratification of one or more of the other  
2 Defendants in committing the acts and/or omissions alleged herein. Plaintiffs are unaware of the true  
3 names and capacities of DOES 1 through 25, and therefore sues said defendants under fictitious  
4 names. Plaintiffs will amend this Complaint to allege their true names and capacities when such  
5 information has been ascertained.

6 29. At all relevant times, Defendants, including the Does 1 through 25, were acting as the  
7 partners, agents, servants, employees, alter egos, co-conspirators, successors or predecessors in  
8 interest, or contractors of others of the defendants, and were acting within the course and scope of  
9 such relationship, with the knowledge, express or implied, of each such other named defendants.

#### 10 JURISDICTION & VENUE

11 30. Jurisdiction is proper in this Court as to all causes of action asserted herein, and  
12 damages caused by Defendants exceed the minimum amount required for the subject matter  
13 jurisdiction of this Court, as will be demonstrated by proof at trial.

14 31. This Court has personal jurisdiction over Defendants, and each of them, because  
15 Defendants are domiciled in California and/or have minimum contacts with the State sufficient to  
16 establish personal jurisdiction, including by virtue of their regularly conducting business in California  
17 or by otherwise purposefully availing themselves of the privilege of conducting activities within  
18 California. DOES 1 through 25, on information and belief, reside in California.

19 32. Venue is proper in the City and County of San Francisco because, on information and  
20 belief, at least one Defendant resides in this County. (See Cal. Code Civ. Proc., § 395(a).) The  
21 College is also located in this County, which is where the effects of the Individual Defendants'  
22 actions or threatened actions of wasteful and ultra vires expenditures will be felt. (See *id.*, § 393(b);  
23 *Lipari v. Dep't. of Motor Vehicles* (1993) 16 Cal.App.4th 667, 670 fn. 2.)

#### 24 FACTUAL BACKGROUND

##### 25 Serranus Clinton Hastings and the Founding of Hastings College of the Law

26 33. Born November 22, 1814, in Watertown, New York and deceased February 18, 1893,  
27 in San Francisco, California, S.C. Hastings lived a storied life. After acquiring legal training, S.C.  
28 Hastings, a life-long member of the Democratic Party, moved west. He quickly rose through the



1 ranks of state and territorial politics to become a U.S. Representative for Iowa's then at-large district  
2 (1846-1847) and the third Chief Justice of the Iowa Supreme Court (1848-1849). S.C. Hastings' then-  
3 controversial decision in 1848 to nullify a federal court's order to arrest a black man who fled  
4 enslavement remains a topic of discussion in modern legal training seminars.

5 34. After moving to California during the fabled gold rush era, S.C. Hastings became the  
6 first Chief Justice of the California Supreme Court (1849-1851), and the State of California's third  
7 Attorney General (1852-1854). Thereafter, S.C. Hastings amassed significant wealth in California  
8 from a series of successful real estate ventures. By 1870, S.C. Hastings had become one of the largest  
9 landowners in the State, with an estimated net worth in the millions of dollars based on today's  
10 present value estimations.

11 35. In or around 1878, S.C. Hastings sought to use his financial position and political  
12 resources to establish what would be the first law school on the West Coast of the United States. In  
13 furtherance of that effort, S.C. Hastings proposed, and the California Legislature enacted, on March  
14 26, 1878, "An Act to create Hastings' College of the Law, in the University of the State of  
15 California." A copy of the Act is attached here as **Exhibit 1**.

16 36. The Act authorized S.C. Hastings to "found and establish a Law College, to be *forever*  
17 known and designated as 'Hastings College of the Law.'" (Act, § 1 [emphasis added].) The Act  
18 provided that the College would be governed by a Board of Directors, independent of the Regents of  
19 the University of California. It further provided that the College's directors "shall *always* provide for  
20 filling a vacancy [on the Board] with some heir or some representative of the said S.C. Hastings."  
21 (Act, § 1 [emphasis added].)

22 37. Passage of the Act, however, was expressly conditioned upon S.C. Hastings "pay[ing]  
23 into the State treasury the sum of one hundred thousand dollars....," funds that would guarantee the  
24 State's payment of a perpetual annuity to the College's directors for the purpose of sustaining the  
25 College. (Act, § 7.) The Act provided that if the State failed to pay the annuity, or the College  
26 "cease[d] to exist," then the State must pay the descendants of S.C. Hastings the full \$100,000, plus  
27 all "unexpended, accumulated interest." (Act, § 13.)

28 ///

1           38.     S.C. Hastings accepted the terms and conditions set out by the Act, paid the full  
2 \$100,000, in gold coins, to the State Treasury and established California’s first law school. The  
3 California Legislature subsequently codified the terms of the Act into the State’s Education Code, and  
4 the California Constitution was amended to ward off legislative changes to the College’s “form and  
5 character.” (Cal. Educ. Code, § 92200, *et seq.*; Cal. Const. art. 9, § 9, subd. (f); *People v. Kewen*  
6 (1886) 69 Cal. 215, 216.)

7           39.     In the nearly 150 years since its founding, the College has educated tens of thousands  
8 of lawyers, including several past and present justices of the California Supreme Court; current Vice  
9 President of the United States, Kamala Harris; founders of several internationally-recognized law  
10 firms; and a multitude of federal, state, and local politicians and judges, with far-reaching influence  
11 on modern American law and politics.

#### 12                                   **Controversy Surrounding the Mendocino War**

13           40.     In 2017, The San Francisco Chronicle published an op-ed by Bay Area lawyer John  
14 Briscoe, titled “The Moral Case for Renaming Hastings College of the Law.” Briscoe argued that  
15 S.C. Hastings was involved in fomenting violence and atrocities against Native Americans living in  
16 the areas around Eden and Round Valleys, in present-day Mendocino County. In response to the  
17 ensuing controversy, the College created its Hastings Legacy Review Committee (“HLRC”) and  
18 commissioned the creation of a “White Paper” regarding S.C. Hastings’ affairs from a history  
19 professor, Brendan Lindsay, who was made a member of the HLRC. After approximately three years,  
20 the White Paper was released to the public in 2020, and again in its final form, on December 14,  
21 2021.

22           41.     The White Paper asserts that S.C. Hastings’ livestock manager, H. L. Hall, mistreated  
23 Native American workers and the local indigenous population, which lead to Yuki people purportedly  
24 retaliating against the stock housed in the area. That retaliation, asserts the White Paper, led to Hall  
25 carrying out brutal raids against the Yuki people. Hall, eventually, in connection with the State  
26 Legislature’s 1860 investigation, conceded that he had killed 14 Indians and had provoked the threat  
27 in the first place. Although Hall notified S.C. Hastings of the threat to Hastings’ investments, he  
28 concealed the killings from S.C. Hastings. After S.C. Hastings learned of Hall’s actions, S.C.

1 replaced Hall as his livestock manager with another local settler and spoke with U.S. Army personnel  
2 and others about Hall.

3 42. As the stealing and slaughtering of livestock continued, S.C. Hastings and other  
4 livestock owners and settlers followed State law and drew up a petition asking for the Governor's  
5 authorization for a State-run militia to enforce California law, later dubbed the "Eel River Rangers."  
6 According to the White Paper, S.C. Hastings offered to "finance the operations of the company until  
7 state or federal funds could reimburse those efforts." The White Paper appears to have based this  
8 conclusion on statements buried under multiple layers of hearsay; there is no direct proof that S.C.  
9 Hastings fronted any money for the creation of this militia.

10 43. The Eel River Rangers, who were organized and managed by the State of California,  
11 and not under the control or direction of S.C. Hastings, subsequently massacred hundreds of Yuki  
12 people and other Indigenous peoples in what became known as the "Mendocino War."

13 44. Despite the California Legislature's 1860 investigation into these killings, no charges  
14 were brought against the rangers for the atrocities committed against Native Americans. S.C.  
15 Hastings provided testimony to the investigative committee in the form of a written "deposition," and  
16 neither the committee, nor the California Legislature levied any accusations of malfeasance or  
17 impropriety against S.C. Hastings for these events.

18 45. On September 2, 2020, the College's Chancellor and Dean, David Faigman, submitted  
19 to the Board a report evaluating the HLRC's conclusions about the College's namesake. The report  
20 ultimately recommended against changing the College's name and the Board took no action to pursue  
21 a name change.

22 46. In his report, Dean Faigman concluded that removal of "Hastings" from the name was  
23 inappropriate for several reasons, including: (1) that S.C. Hastings' name has fallen into "relative  
24 obscurity," such that the College bearing the name of its first donor is unlikely to communicate any  
25 significant message; (2) the College's name is entangled with that of the students, scholars, and  
26 alumni who "walked its halls and made a name for themselves, carrying the name of the school with  
27 them;" (3) erasing the name "does not alter the past but might undermine our ability to learn from  
28 it"—indeed, "an oft-repeated concern of tribal members...was that their stories are largely absent

1 from the stories of America and California;” (4) the “Hastings” name is fundamental to the entire  
2 institution, “unlike a building or even a school within a university, removing the historical name of a  
3 free-standing college or university is a change not lightly undertaken;” and (5) “state law establishing  
4 the school specifies that the original Hastings bequest must be returned, with interest, to the heirs of  
5 UC Hastings if the name is changed.”

6 47. Rather than change the name, the Dean Faigman recommended that the College embark  
7 on an ambitious plan of “restorative justice,” including to organize pro bono legal and other support  
8 for the Yuki people; to dedicate a public memorial concerning the Mendocino War and S.C. Hastings  
9 involvement, with historical explanations; and to create an Indian Law Program to be offered at the  
10 College. As Dean Faigman noted in his report, “[u]nlike the merely symbolic gesture of erasing his  
11 name from the College, developing a true partnership between the descendants of those [S.C.]  
12 Hastings wronged and the school that bears his name, will create substantive opportunities to  
13 transcend that history and live and work for common goals.”

#### 14 **Defendants’ Efforts to Remove “Hastings” from the College’s Name**

15 48. On October 28, 2021, the New York Times published on its front-page an op-ed by  
16 Thomas Fuller which, parroting a narrative of two history professors, falsely, and without substantial  
17 evidence, claimed that S.C. Hastings “masterminded the killings of hundreds of Native Americans.”  
18 The op-ed did not cite any evidence from the Legislature’s 1860 investigation, although that material  
19 was readily available to its author.

20 49. Far from “masterminding” mass-killings, the historical record supports S.C. Hastings’  
21 sworn testimony that: it was his intention to “subdue” the Indians by feeding them and giving them  
22 work—not by killing them; that he had, in fact, employed Indians in his home; that he was “entirely  
23 ignorant of any outrages” committed against Native Americans by his livestock manager, Hall, until  
24 S.C. Hastings’ son revealed Hall’s actions to him; and that S.C. Hastings terminated Hall’s  
25 employment relationship after learning of Hall’s actions.

26 50. If S.C. Hastings did in fact offer to front money for a State-run militia to protect his  
27 livestock, such an act may be viewed unfavorably by modern Americans, but doing so would have  
28 been the only viable legal solution available to him (and other livestock owners and settlers in the

1 area) in the mid-1800's. Indeed, notable public figures of that age, including Leland Stanford, co-  
2 founder of Stanford University, took similar actions to establish State-run militias in several  
3 California counties, which indisputably resulted in the deaths of many Native Americans. The U.S.  
4 government, which faced a then-looming threat of civil war, had also refused S.C. Hastings' requests  
5 for direct assistance, leaving him with no other law-enforcement option but that provided under State  
6 law. There is no evidence that S.C. Hastings desired, requested, or knowingly encouraged the State or  
7 its militia to commit mass-murder or any other atrocity against Native Americans.

8 51. On November 2, 2021, a few days after the Fuller op-ed was published, the Board held  
9 an "emergency" meeting and passed a resolution directing Dean Faigman to work with the California  
10 Legislature and Governor to remove "Hastings" from the name of the College.

11 52. The Board's designation of the meeting as an "emergency" was false and in violation of  
12 its own rules because the publication of an op-ed does not constitute an emergency, as made evident  
13 by the lengthy legislative process that followed. By falsely labeling the meeting as an "emergency"  
14 meeting, the Board sought to, and did, avoid providing the public with advanced notice of the  
15 meeting, effectively precluding review or comment on the very decision of the Board that triggered  
16 the political mission to change the College's name.

17 53. On September 23, 2022, the California Governor signed into law AB 1936 to: remove  
18 "Hastings" from the College's name by renaming "Hastings College of the Law" as "College of the  
19 Law, San Francisco;" amend the State's statutes to conform to the new name; and eliminate S.C.  
20 Hastings' hereditary seat on the Board. A true and correct copy of AB 1936, as enacted, is attached  
21 here as **Exhibit 2**.

22 54. Under Section 1 of AB 1936, the State Legislature made several "findings" and  
23 declared, *inter alia*, that "S.C. Hastings, founder of the Hastings College of the Law, promoted and  
24 financed Native American hunting expeditions in the Eden and Round Valleys, funding bounties  
25 resulting in the massacre of hundreds of Yuki men, women, and children."

26 55. Despite this unsubstantiated and sensationalized claim, AB 1936 does not itself exhibit  
27 or discuss any of the historical evidence surrounding these events. Instead, it simply declares that the  
28 College's three-year inquiry into the matter "determined that...S.C. Hastings[] perpetrated genocidal

1 acts...,” which the College did not do, and adopts that purported conclusion as a finding of the  
2 Legislature.

3 56. AB 1936 further requests that the College implement the following restorative justice  
4 measures: (1) naming the College’s law library with “an appropriate Yuki name or name determined  
5 by the Round Valley Indian Tribes;” (2) “[e]nsure that the reading of an annual statement of the  
6 history of atrocities committed by S.C. Hastings against the Yuki people occurs at the start of both the  
7 [College’s] convocation and commencement ceremonies;” (3) [r]eengage in consultation with the  
8 Round Valley Indian Tribes if there is a change in the geographical name of the location of the  
9 college;” (4) “[d]evelop opportunities for collaboration between the college’s Moot Court and Trial  
10 Advocacy and Competition Groups programs with students of the Round Valley Indian Tribes to  
11 provide experience in debate and writing skills;” and (5) “[i]nstitute a moot court competition relating  
12 to California’s treatment of Native Americans and atrocities committed against them.”

13 57. AB 1936 is set to become operative law in California on January 1, 2023.

## 14 CAUSES OF ACTION

### 15 FIRST CAUSE OF ACTION

#### 16 Declaratory Relief—Contracts Clauses

17 (Cal. Code Civ. Proc., § 1060)

#### 18 *By All Plaintiffs Against All Defendants*

19 58. Plaintiffs incorporate by reference all the above allegations as if fully set forth herein.

20 59. A dispute has arisen among the Parties concerning whether AB 1936’s removal of  
21 “Hastings” from the name of the College and removal of S.C. Hastings’ family’s hereditary seat on the  
22 Board violates the Contracts Clauses of the California and United States Constitutions.

23 60. The Contracts Clauses of the State and U.S. Constitutions, Cal. Const. art. 1, § 9; U.S.  
24 Const. art. I, § 10, cl. 1, prohibit the State of California from enacting legislation relieving particular  
25 persons, including the State itself, of preexisting contractual obligations. (*United States Trust Co. v.*  
26 *New Jersey* (1977) 431 U.S. 1.)

27 61. The State of California entered into a complete contract with S.C. Hastings concerning  
28 the College’s establishment, name, funding, and governance. (Ex. 1; see also *Foltz v. Hoge* (1879) 54  
Cal. 28.) The California Legislature set forth the material terms of the agreement in its March 26, 1878

1 Act, which it later codified as California Education Code Section 92200–92212 after S.C. Hastings  
2 upheld his end of the bargain. (Compare Act, § 1 [“That S.C. Hastings be authorized to found and  
3 establish....”] with Cal. Educ. Code, § 92200 (2022) [“The law college founded and established by  
4 S.C. Hastings....”].)

5 62. The material terms of the contract were as follows: S.C. Hastings agreed to pay the  
6 State \$100,000, which he did in gold coins, and to found and establish the College, and, in exchange,  
7 the State agreed that the College shall “be forever known and designated as ‘Hastings College of the  
8 Law,’” that S.C. Hastings’ heir or representative would always have a seat on the Board, and that the  
9 State would guarantee a minimum amount of annual funding for “said College.” (Act, § 13.)

10 63. The State of California’s enactment of AB 1936 impermissibly impairs the State’s  
11 obligations under its agreement with S.C. Hastings and his successors by erasing the name “Hastings”  
12 from the College and S.C. Hastings’ family’s hereditary seat on the Board, which every S.C. Hastings  
13 descendant is entitled to be considered for—plainly material conditions of the State’s agreement with  
14 S.C. Hastings. The State’s actions are neither reasonable, nor necessary to serve an important public  
15 purpose. Indeed, the Board reversed Dean Faigman’s initial decision to keep the name—not because  
16 of some new revelation about S.C. Hastings’ past, which has been known and public record for 150  
17 years, but because of a hit-piece published by the New York Times falsely accusing S.C. Hastings,  
18 without evidence, of being the “mastermind” behind atrocities committed against Native Americans.  
19 The publication of one man’s flawed opinion, however, does not create an important public purpose or  
20 an emergency.

21 64. Plaintiffs seek declaratory relief that (1) AB 1936, in so far as it purports to alter the  
22 College’s name or eliminate S.C. Hastings’ heir or representative’s seat on the Board, violates the  
23 Contracts Clauses of the California and U.S. Constitutions; (2) that the College’s name remains  
24 “Hastings College of the Law;” and (3) that S.C. Hastings’ heirs or representatives are still entitled to a  
25 seat on the College’s Board.

26 65. Plaintiffs are entitled to an award of attorneys’ fees pursuant to Cal. Code Civ. Proc., §  
27 1021.5 because this Action will result in the enforcement of an important right affecting the public

28 ///

1 interest; confer a significant benefit on the general public or a large class of persons; and the necessity  
2 and financial burden of private enforcement renders an award of attorneys' fees appropriate.

3 **SECOND CAUSE OF ACTION**  
4 **Declaratory Relief—Bill of Attainder & Ex Post Facto**  
5 **(Cal. Code Civ. Proc., § 1060)**  
6 ***By All Plaintiffs Against All Defendants***

6 66. Plaintiffs incorporate by reference all the above allegations as if fully set forth herein.

7 67. A dispute has arisen among the Parties concerning whether AB 1936's removal of  
8 "Hastings" from the name of the College and removal of S.C. Hastings' family's hereditary seat on the  
9 Board violates the prohibition against bills of attainder and ex post facto laws set forth by the  
10 California and United States Constitutions.

11 68. Both the State and U.S. Constitutions, Cal. Const. art. 1, § 9; U.S. Const. art. I, § 10, cl.  
12 1, prohibit the State of California from enacting legislation constituting a bill of attainder or ex post  
13 facto law. "A bill of attainder is a legislative act which inflicts punishment without a judicial trial  
14 ....[L]egislative acts, no matter what their form, that apply either to named individuals or to easily  
15 ascertainable members of a group in such a way as to inflict punishment on them without a judicial  
16 trial are bills of attainder prohibited by the Constitution." (*United States v. Lovett* (1946) 328 U.S. 303,  
17 315.) "The Ex Post Facto Clause protects liberty by preventing governments from enacting statutes  
18 with 'manifestly unjust and oppressive' retroactive effects.... In such a case, the government refuses  
19 'to play by its own rules.' It has deprived the defendant of the 'fair warning,' (citation) that might have  
20 led him to preserve exculpatory evidence." (*Stronger v. California* (2003) 539 U.S. 607, 611.)

21 69. As relevant here, AB 1936 provides the following:

- 22 (k) In September 2020, the College completed a three-year project to examine  
23 founder S.C. Hastings' involvement in mass killings of Native Americans in  
24 California's Eden and Round Valleys before the College's founding.
- 25 (l) The project determined that the founder of the College, S.C. Hastings,  
26 perpetrated genocidal acts against Native California Indigenous Peoples,  
27 most especially the Yuki Tribe, in the 1850s in the Eden Valley and Round  
28 Valley areas in the County of Mendocino.

...



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

5 (q) S.C. Hastings enriched himself through the seizure of large parts of these  
6 lands and financed the college of the law bearing his name with a \$100,000  
7 donation.

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

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

12 (t) S.C. Hastings' name must be removed from the College to end this injustice  
13 and begin the healing process for the crimes of the past.

14 70. The above findings in AB 1936 of atrocities purportedly committed by S.C. Hastings,  
15 its removal of the "Hastings" name from the College, and the elimination of S.C. Hastings'  
16 descendants' seat on the Board, retroactively and without judicial trial, heaps scorn and punishment  
17 upon S.C. Hastings, his descendants, and indeed, by association, upon all of the tens of thousands of  
18 Hastings law graduates living and deceased. It does so in the face and disregard of the California  
19 Legislature's own investigation of these events in 1860, which did not, in either the majority or  
20 minority reports resulting therefrom, levy such charges against S.C. Hastings when he was alive to  
21 answer for himself and when pertinent evidence and witnesses were actually available. Therefore, AB  
22 1936 violates the State and U.S. constitutional prohibitions against the enactment of bills of attainder  
23 and ex post facto laws.

24 71. Plaintiffs seek declaratory relief that (1) AB 1936 constitutes an impermissible bill of  
25 attainder and ex post facto law in violation of the California and U.S. Constitutions; (2) that the  
26 College's name remains "Hastings College of the Law;" and (3) that S.C. Hastings' heirs or  
27 representatives are still entitled to a seat on the Board.

28 72. Plaintiffs are entitled to an award of attorneys' fees pursuant to Cal. Code Civ. Proc., §  
1021.5 because this Action will result in the enforcement of an important right affecting the public  
interest; confer a significant benefit on the general public or a large class of persons; and the necessity  
and financial burden of private enforcement renders an award of attorneys' fees appropriate.

**THIRD CAUSE OF ACTION**  
**Declaratory Relief—Collegiate Freedom**  
**(Cal. Code Civ. Proc., § 1060)**  
***By All Plaintiffs Against All Defendants***

73. Plaintiffs incorporate by reference all the above allegations as if fully set forth herein.

74. A dispute has arisen among the Parties concerning whether AB 1936's removal of "Hastings" from the name of the College and removal of S.C. Hastings' family's hereditary seat on the Board violates Article 9, Section 9 of the California Constitution, which provides that "[t]he university shall be entirely independent of all political or sectarian influence and kept free therefrom in the appointment of its regents and in the administration of its affairs...." (See *People v. Kewen* (1886) 69 Cal. 215, 216 [holding that Article 9, Section 9 of the California Constitution applies to the College].)

75. Under Article 9, Section 9 of the California Constitution, changes in the "form and character" of the College cannot be made. (*Ibid.*) AB 1936's changes to the College's name and governance structure, however, are politically motivated and constitute changes to the College's form and character and are therefore unconstitutional.

76. Plaintiffs seek declaratory relief that (1) AB 1936 violates Article 9, Section 9 of the California Constitution; (2) that the College's name remains "Hastings College of the Law;" and (3) that S.C. Hastings' heirs or representatives are still entitled to a seat on the Board.

77. Plaintiffs are entitled to an award of attorneys' fees pursuant to Cal. Code Civ. Proc., § 1021.5 because this Action will result in the enforcement of an important right affecting the public interest; confer a significant benefit on the general public or a large class of persons; and the necessity and financial burden of private enforcement renders an award of attorneys' fees appropriate.

**FOURTH CAUSE OF ACTION**  
**Injunctive Relief—Waste of Taxpayer Funds**  
**(Cal. Code Civ. Proc., § 526a & Common Law)**

***By HCCC, on behalf of its members, Against All Individual Defendants***

78. Plaintiffs incorporate by reference all the above allegations as if fully set forth herein.

79. At least one member of HCCC has, within the past year, paid taxes to the State of California, which taxes from the State's General Fund have been used to finance the College's

activities, including Defendants pursuit of removing “Hastings” from the College’s name and S.C. Hastings’ family’s Board seat.

80. As set forth herein, Individual Defendants cannot lawfully remove “Hastings” from the College’s name or S.C. Hastings’ family’s hereditary seat on the Board, because doing so is in violation of the California and U.S. Constitutions’ Contracts Clauses and their prohibitions against bills of attainder and ex post facto laws, as well as the California Constitution’s requirement that the College remain in its existing form and character.

81. Individual Defendants intend to use more than \$2.8 million in taxpayer funds to effectuate the College’s name change under AB 1936, in addition to \$1.4 million associated with the College’s implementation of various restorative justice measures required by the bill. Of the \$2.8 million that will be used to change the College’s name, an estimated \$1.9 million will be used to cover one-time renaming costs, such as changing physical signage, student and faculty email addresses, websites, and other various references to “Hastings” within the College and its programs and materials; and \$945,000 will be used to cover one-time costs associated with communicating the new name to prospective students and employers. The Budget Act of 2022 (SB 152) currently provides for a \$885,000 special appropriation to the College to support costs associated with the renaming. The College is expected to pay for the remaining unfunded portions with its existing allotment of over \$15 million in annual taxpayer funding.

82. Individual Defendants’ use of taxpayer money to pursue these unconstitutional changes to the College are therefore wasteful and constitute an ultra vires expenditure.

83. Individual Defendants’ wasteful and ultra vires expenditure of taxpayer funds will not cease absent the Court enjoining Individual Defendants. Accordingly, HCCC, on behalf of its members, seeks temporary, preliminary, and permanent injunctive relief against the Individual Defendants, enjoining them from further expending funds in pursuit of changing the College’s name or eliminating the hereditary Board seat.

84. HCCC is entitled to an award of attorneys’ fees pursuant to Cal. Code Civ. Proc., § 1021.5 because this Action will result in the enforcement of an important right affecting the public

1 interest; confer a significant benefit on the general public or a large class of persons; and the necessity  
2 and financial burden of private enforcement renders an award of attorneys' fees appropriate.

3 **FIFTH CAUSE OF ACTION**  
4 **Deprivation of Civil Rights (42 U.S.C. § 1983)**  
5 ***By All Plaintiffs Against All Individual Defendants***

6 85. Plaintiffs incorporate by reference all the above allegations as if fully set forth herein.

7 86. For the reasons set forth in Plaintiffs' First and Second Causes of Action, Defendants  
8 cannot lawfully remove "Hastings" from the College's name or S.C. Hastings' family's hereditary  
9 seat on the Board, because doing so violates the U.S. Constitutions' Contracts Clause and its  
10 prohibitions against bills of attainder and ex post facto laws.

11 87. The Individual Defendants have expressed their desire and intent to carry out these  
12 unconstitutional changes, thereby subjecting Plaintiffs, or causing Plaintiffs to be subjected to, a  
13 deprivation of rights secured by the U.S. Constitution.

14 88. Plaintiffs have no adequate remedy at law and will suffer serious and irreparable harm  
15 to their constitutional rights unless the Individual Defendants are enjoined from implementing and  
16 enforcing AB 1936.

17 89. Pursuant to 42 U.S.C. § 1983, Plaintiffs seek temporary, preliminary, and permanent  
18 injunctive relief restraining the Individual Defendants from implementing the unconstitutional aims  
19 of AB 1936.

20 90. Plaintiffs further seek declaratory relief that (1) AB 1936 violates the U.S.  
21 Constitution's Contract Clause and prohibitions against bills of attainder and ex post facto laws; (2)  
22 that the College's name remains "Hastings College of the Law;" and (3) that S.C. Hastings' heirs or  
23 representatives are still entitled to a seat on the Board.

24 91. Plaintiffs found it necessary to engage the services of private counsel to vindicate their  
25 rights under the law. Plaintiffs are therefore entitled to an award of attorneys' fees pursuant to 42  
26 U.S.C. § 1988.

27 ///

28 ///

///

**SIXTH CAUSE OF ACTION**  
**Breach of Contract (Specific Performance)**  
***By All Individual Plaintiffs Against Defendant State of California***

92. Plaintiffs incorporate by reference the allegations contained at paragraphs 1—57 as if fully set forth herein.

93. Case law dealing with the Contracts Clause teaches that liability for impairment of a contract and liability for breach are mutually exclusive. *See, e.g., Donohue v. Cuomo*, 980 F.3d 53, 66-67 (2d Cir. 2020). This cause of action is alleged in the alternative to the relief sought under the Contracts Clause.

94. The Act constitutes a complete and binding written agreement between the State of California and S.C. Hastings and his descendants, including Plaintiffs Stephen Hastings Breeze; Stephanie Azalea Brackel; Catherine Torstenson; Scott Hastings Breeze; Collette Breeze Meyers; and Colin Hastings Breeze, who constitute successors in interest and/or third-party beneficiaries.

95. The Act provides that the College will “be forever known and designated as ‘Hastings College of the Law,’” and that S.C. Hastings’ heir or representative will always be entitled to a seat on the Board.

96. The State breached this agreement by enacting AB 1936 to remove “Hastings” from the College’s name and the hereditary Board seat.

97. Plaintiffs seek an order from the Court compelling the State to specifically perform under the Act because monetary damages are inadequate to fix the harm caused by the State’s breaches. Specifically, the Court should declare that the College’s name remains “Hastings College of the Law,” that S.C. Hastings’ descendants continue to have a seat on the Board, and the Court should enjoin the State from taking contradictory actions.

**SEVENTH CAUSE OF ACTION**  
**Breach of Contract (Damages)**  
***By All Individual Plaintiffs Against Defendant State of California***

98. Plaintiffs incorporate by reference the allegations contained in paragraphs 1—57 of this Complaint as if fully set forth herein.

99. Case law dealing with the Contracts Clause teaches that liability for impairment of a contract and liability for breach are mutually exclusive. *See, e.g., Donohue v. Cuomo*, 980 F.3d 53, 66-

1 67 (2d Cir. 2020). This cause of action is alleged in the alternative to the relief sought under the  
2 Contracts Clause, and only if the Court denies the specific performance, declaratory, and/or injunctive  
3 relief requested by Plaintiffs’ First through Sixth Causes of Action do Plaintiffs seek monetary damages  
4 against the State.

5 100. The Act constitutes a complete and binding written agreement between the State of  
6 California and S.C. Hastings and his descendants, including Plaintiffs Stephen Hastings Breeze;  
7 Stephanie Azalea Brackel; Catherine Torstenson; Scott Hastings Breeze; Collette Breeze Meyers; and  
8 Colin Hastings Breeze, who constitute successors in interest and/or third-party beneficiaries.

9 101. The Act, § 1, provides that the College will “be forever known and designated as  
10 ‘Hastings College of the Law,’” and that S.C. Hastings’ heir or representative will always be entitled  
11 to a seat on the Board.

12 102. The State breached this agreement by enacting AB 1936 to remove “Hastings” from the  
13 College’s name and the hereditary Board seat.

14 103. In the event that the Court denies the specific performance, declaratory, and injunctive  
15 relief sought by the First through Sixth Causes of Action, Individual Plaintiffs, as heirs and successors  
16 in interest to S.C. Hastings and/or third-party beneficiaries to the Act, seek monetary damages from  
17 the State for its breaches of the Act, in an amount to be proven at trial, but not less than the present  
18 value of the \$100,000 worth of gold coin paid by S.C. Hastings to the State in 1878.

19 104. AB 1936 does not dissolve the College; it changes the name and governance of the  
20 College, leaving unchanged the College’s physical premises, faculty, staff, student body, tax  
21 identification number, financial accounts, and everything else associated with the College.  
22 Accordingly, the College has not “cease[d] to exist” within the meaning of the Act; the State seeks to  
23 retain all benefits afforded by the Act while shedding all unwanted obligations, in clear breach of its  
24 contractual duties. If, however, the trier of fact finds that the College has “cease[d] to exist”—it has  
25 not—then the State’s failure to return to S.C. Hastings’ descendants the sum of the present value of the  
26 \$100,000 paid by S.C. Hastings plus 144 years of “all unexpended accumulated interest” is a further  
27 breach of the agreement, Act, § 13. In such circumstances, Plaintiffs are entitled to monetary damages  
28

1 in an amount to be proven at trial, but not less than the present value of the \$100,000 paid by S.C.  
2 Hastings to the State in 1878 plus interest.

3 105. Prior to filing this Complaint, the individual Plaintiffs timely served a notice of claims  
4 with the State of California, Department of General Services, in compliance or substantial compliance  
5 with the Government Claims Act, Cal. Gov. Code, § 810—996.6.

6 **PRAYER FOR RELIEF**

7 WHEREFORE, Plaintiffs demand judgment against Defendants, and each of them, for:

- 8 i. temporary, preliminary, and permanent injunctive relief;  
9 ii. declaratory relief;  
10 iii. specific performance;  
11 iv. general, special, and restitutionary damages in an amount to be determined at trial;  
12 v. prejudgment interest;  
13 vi. costs of suit;  
14 vii. attorneys' fees to the extent permitted by Code Civ. Proc., § 1021.5, 42 U.S.C. § 1988,  
15 or contract; and  
16 viii. all other relief deemed just and proper by the Court.

17 Respectfully submitted,

18 Date: October 4, 2022

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Breeze Meyers; and Colin Hastings Breeze



# Exhibit 1

TWENTY-SECOND SESSION.

fourteenth, in the year one thousand eight hundred and seventy-six, and of May seventh, and October first, of the year one thousand eight hundred and seventy-seven, are hereby in all things ratified and confirmed and made valid.

SEC. 4. All Acts and parts of Acts in conflict with the provisions of this Act are hereby repealed, and this Act shall take effect immediately.

CHAP. CCCL.—[See volume of *Amendments to the Codes*.]

CHAP. CCCLI.—*An Act to create Hastings' College of the Law, in the University of the State of California.*

[Approved March 26, 1878.]

*The People of the State of California, represented in Senate and Assembly, do enact as follows:*

SECTION 1. That S. C. Hastings be authorized to found and establish a Law College, to be forever known and designated as "Hastings' College of the Law." That the officers of said college shall be a Dean, Registrar, and eight (8) Directors. That the Directors shall be Joseph P. Hoge, W. W. Cope, Delos Lake, Saml. M. Wilson, O. P. Evans, Thos. B. Bishop, John R. Sharpstein, and Thos. I. Bergin, of the Bar Association of the City of San Francisco, who shall, when vacancies occur, fill the same from members of said Association or otherwise, and shall always provide for filling a vacancy with some heir or some representative of the said S. C. Hastings. That the Dean and Registrar shall be appointed by the Directors.

Authorizing  
founding  
of Law  
College.

SEC. 2. Said College shall affiliate with the University of the State, upon such terms as shall be for the welfare of the College and University, and shall be the Law Department of the University.

shall affiliate with  
University.

SEC. 3. The Faculty of the University shall grant diplomas to the students of the College, and the President shall sign and issue the diplomas.

SEC. 4. There shall be set apart for the use of the students of the College some room or suitable hall at the University, and the Board of Supervisors of the City of San Francisco is authorized to supply a suitable hall in the City of San Francisco for the students and Directors.

Room for  
students.

SEC. 5. The Dean of said College shall be ex officio of the Faculty of the University, to be designated as such by the Directors of the College.

SEC. 6. The diploma of the students shall entitle the student to whom it is issued to a license to practice in all the

Diploma  
made license  
to practice.

Courts of this State, subject to right of the Chief Justice of the State to order an examination, as is in ordinary cases of applicants without such diploma.

**Condition.** SEC. 7. This Act is passed upon the condition that said S. C. Hastings shall pay into the State treasury the sum of one hundred thousand dollars, and is never to be refunded except as hereinafter provided.

SEC. 8. The sum of seven per cent. per annum upon one hundred (\$100,000) thousand dollars is to be appropriated by the State and paid in two semi-annual payments to the Directors of the College.

**Business of College.** SEC. 9. The business of the College shall be to afford facilities for the acquisition of legal learning in all branches of the law, and to this end shall establish a curriculum of studies, and shall matriculate students who may reside at the University of the State as well as students residing in other parts of the State.

SEC. 10. Professorships may be established in the name of any founder of such Professorships who shall pay to the Directors the sum of thirty (\$30,000) thousand dollars.

SEC. 11. All the business of the College shall be managed by the Directors without compensation, and all acting officers, including the Dean and Registrar, shall be appointed by the Directors and removed by them.

SEC. 12. The Law Library Association, of the City of San Francisco, shall grant to the students the use of their library upon such terms and conditions as they may agree with the Directors of the College.

**Object of Act.** SEC. 13. The object of this Act being to grant a perpetual annuity for the support and maintenance of said College, should the State, or any government which shall succeed it, fail to pay to the Directors of said College the sum of seven per cent. per annum, as above stipulated, or should the College cease to exist, then the State, or its successor, shall pay to the said S. C. Hastings, his heirs or legal representatives, the said sum of one hundred (\$100,000) thousand dollars and all unexpended accumulated interest; *provided*, that such failure be not caused by mistake or accident, or omission of the Legislature to make the appropriation at any one session.

SEC. 14. That the Chief Justice of the Supreme Court of the State (or if there be no such judicial officer of the State or Government) shall be the President of the Board of Directors, five of whom shall be a quorum to transact all business.

SEC. 15. This Act shall take effect and be in force from and after its passage.

# Exhibit 2



LEGISLATIVE INFORMATION

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**AB-1936 University of California: Hastings College of the Law.** (2021-2022)

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Date Published: 09/26/2022 02:00 PM

**Assembly Bill No. 1936****CHAPTER 478**

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.

[ Approved by Governor September 23, 2022. Filed with Secretary of State September 23, 2022. ]

**LEGISLATIVE COUNSEL'S DIGEST**

AB 1936, 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 provide that the college shall be designated as the College of the Law, San Francisco, as

provided. 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.

This bill would incorporate additional changes to Section 67385 of the Education Code proposed by AB 1467 to be operative only if this bill and AB 1467 are enacted and this bill is enacted last.

Vote: majority Appropriation: no Fiscal Committee: yes Local Program: no

## THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

### **SECTION 1.** The Legislature finds and declares all of the following:

(a) On March 26, 1878, the Legislature approved an act (the "Original Act") to create Hastings' College of the Law, in the University of the State of California.

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

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

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

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

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

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

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

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

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

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

(l) The project determined that the founder of the College, S.C. Hastings, perpetrated genocidal acts against Native California Indigenous Peoples, most especially the Yuki Tribe, in the 1850s in the Eden Valley and Round Valley areas in the County of Mendocino.

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

(n) In connection with the name change authorization, the Board of Directors of the College determined that changing the name of the College is in the best interests of the continuation of the College in perpetuity, and is

an element of the College's ongoing work to address the needs of the current generation of Yuki Tribal members and the College's legal community.

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

(p) On July 27, 2022, the Board of Directors of the College voted on the replacement name for the College. This vote was informed through multiple consultative meetings with the Round Valley Indian Tribes, a federally recognized tribal government, and its designees of the Yuki Indian Committee approved by the Round Valley Indian Tribes. During the consultation period, the Yuki Indian Committee representatives forwarded the name Powe'no'm as the replacement name for the College. After due consideration, the Board of Directors of the College voted unanimously to make the final recommendation to replace "Hastings College of the Law" with "College of the Law, San Francisco."

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

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

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

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

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

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

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

(1) Assists in the formation of a nonprofit organization, as described in subsection (c) of Section 501 of the Internal Revenue Code, in association with, and jointly governed by, Yuki descendants selected by the government of the Round Valley Indian Tribes to provide an organizational structure to raise capital, organize pro bono legal assistance and other support, and assist tribal leadership with federal, state, and county matters, water and property rights, economic development, and efforts to meet the social needs of the community. The College's responsibilities extend only to assisting in the formation of the nonprofit organization, and will not otherwise involve its governance or the ongoing operations of the organization.

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

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

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

(5) Provides a fully functional, interactive public internet website to allow dissemination of the College's approach, to seek public input, and to keep the public advised of historical, academic, and programmatic

work to address the broader issues and the restorative justice agenda. A page on this internet website shall be dedicated to the College's work with Round Valley Indian Tribes and the Yuki people.

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

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

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

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

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

(11) Highlights the injustices of the past by bringing attention to the public at large and the College's community with a lecture series, guest speakers, and tribal elders, dealing with "Righting the Wrongs."

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

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

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

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

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

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

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

(19) An annual apology on a date to be determined by the Round Valley Indian Tribes, a federally recognized tribal government, its designees of the Yuki Indian Committee, and the College to attest to and acknowledge the social justice components achieved and ongoing efforts.

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



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

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

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

- (a) In the case of a taking by a local public entity, the legislative body of the local public entity.
- (b) In the case of a taking by the Sacramento and San Joaquin Drainage District, the Central Valley Flood Protection Board.
- (c) In the case of a taking by the State Public Works Board pursuant to the Property Acquisition Law (Part 11 (commencing with Section 15850) of Division 3 of Title 2 of the Government Code), the State Public Works Board.
- (d) In the case of a taking by the Department of Fish and Wildlife pursuant to Section 1348 of the Fish and Game Code, the Wildlife Conservation Board.
- (e) In the case of a taking by the Department of Transportation (other than a taking pursuant to Section 21633 of the Public Utilities Code or Section 30100 of the Streets and Highways Code), the California Transportation Commission.
- (f) In the case of a taking by the Department of Transportation pursuant to Section 21633 of the Public Utilities Code, the 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) "Administering entity" means the following:

- (1) For an application for a community college campus or district, the office of the Chancellor of the California Community Colleges.
- (2) For an application for a California State University campus, the office of the Chancellor of the California State University.
- (3) For an application for a University of California campus, the office of the President of the University of California.
- (4) For an intersegmental application, both or all of the systemwide offices described in paragraphs (1) to (3), inclusive, as applicable to the project applicants.

(b) "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.

(c) "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.

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

(e) "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).

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

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

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

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

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

(g) "Segment" means the public higher education segments of California, which are the University of California, the California State University, or the California Community Colleges.

(h) "Student housing project" means one or more housing facilities to be occupied by students of one or more campuses. These facilities may include, but are not necessarily limited to, dining, academic and student support service spaces, basic needs centers, student health care services, and other necessary and usual attendant and related facilities and equipment.

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

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

(b) The commission shall encourage postsecondary institutions that offer programs of professional preparation to collaborate with school districts, county offices of education, and professional organizations in the design and delivery of local programs to function as part of the California Beginning Teacher Support and Assessment Program pursuant to Section 44279.2. If local educational agencies and institutions of higher education voluntarily agree to implement the program, the following provisions shall apply to each collaborative effort:

(1) Postsecondary institutions and local educational agencies shall coordinate and articulate the program of

professional preparation and the California Beginning Teacher Support and Assessment Program, so the two programs provide continuity in the preparation, support, and assessment of beginning teachers.

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

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

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

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

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

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

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

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

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

(b) (1) The regulations adopted pursuant to subdivision (a) shall provide that the services withheld may be provided during a period when the facts are in dispute or when the student or former student demonstrates to either the governing board of the community college district, the Trustees of the California State University, the Regents of the University of California, or the Board of Directors of the college named in Section 92200, as appropriate, or to the Student Aid Commission, or both the Student Aid Commission and the appropriate

entity or its designee, that reasonable progress has been made to repay the loan or that there exists a reasonable justification for the delay as determined by the institution. The regulations shall specify the services to be withheld from the student and may include, but are not limited to, the following:

(A) The provision of grades.

(B) The provision of diplomas.

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

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

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

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

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

**67346.5.** (a) The committee shall be and is hereby authorized to create a debt or debts, liability or liabilities, of the State of California pursuant to this chapter for the purpose of funding aid to the University of California, the California State University, the California Community Colleges, the college named in Section 92200, and the California Maritime Academy for the construction, including the construction of buildings and the acquisition of related fixtures, the construction or improvement of off-campus facilities of the California State University approved by the Trustees of the California State University on or before July 1, 1990, renovation, and reconstruction of facilities, for the acquisition of sites upon which these facilities are to be constructed, and for the equipping of new, renovated, or reconstructed facilities, and to provide funds for payment of preconstruction costs, including, but not limited to, preliminary plans and working drawings. The addition of the college named in Section 92200 to this section is not intended to mark a change from the funding authorizations made by Section 67354, as contained in the Higher Education Facilities Bond Act of 1986, or Section 67334, as contained in the Higher Education Facilities Bond Act of 1988, but is intended to more clearly state what was intended by the Legislature in those sections as well.

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

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

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

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

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

**67358.1.** 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 containing 9 campuses, the California State University containing 20 campuses, the California Community Colleges consisting of 71 districts containing 107 campuses, the college named in Section 92200, the California Maritime Academy, 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 the Higher Education Facilities Bond Act of June 1992 is to assist in meeting the capital outlay financing needs of California's public higher education system.

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

**67358.4.** The committee shall be and is hereby authorized to create a debt or debts, liability or liabilities, of the State of California pursuant to this chapter for the purpose of funding aid to the University of California, the California State University, the California Community Colleges, the college named in Section 92200, and the California Maritime Academy for the construction, including the construction of buildings and the acquisition of related fixtures; the equipping of new, renovated, or reconstructed facilities; funding for the payment of preconstruction costs, including, but not limited to, preliminary plans and working drawings; renovation and reconstruction of facilities; and the construction or improvement of off-campus facilities of the California State University approved by the Trustees of the California State University on or before July 1, 1990, including the acquisition of sites upon which these facilities are to be constructed.

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

**SEC. 11.** Section 67380 of the Education Code, as amended by Section 10 of Chapter 48 of the Statutes of 2022, is amended to read:

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

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

(A) All occurrences reported to campus police, campus security personnel, or campus safety authorities

of, and arrests for, crimes that are committed on campus and that involve violence, hate violence, theft, destruction of property, illegal drugs, or alcohol intoxication.

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

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

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

(B) Victim characteristics.

(C) Offender characteristics, if known.

(3) (A) Make the information concerning the crimes compiled pursuant to subparagraph (A) of paragraph (1) available within two business days following the request of any student or employee of, or applicant for admission to, any campus within their respective jurisdictions, or to the media, unless the information is the type of information exempt from disclosure pursuant to Article 1 (commencing with Section 7923.600) of Chapter 1 of Part 5 of Division 10 of Title 1 of the Government Code, in which case the information is not required to be disclosed. Notwithstanding Article 1 (commencing with Section 7923.600) of Chapter 1 of Part 5 of Division 10 of Title 1 of the Government Code, the name or any other personally identifying information of a victim of any crime defined by Section 243.4, 261, 262, 264, 264.1, 273a, 273d, 273.5, 286, 287, 288, 289, 422.6, 422.7, or 422.75 of, or former Section 288a of, the Penal Code shall not be disclosed without the permission of the victim, or the victim's parent or guardian if the victim is a minor.

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

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

(5) Require the appropriate officials at each campus within their respective jurisdictions to report information compiled pursuant to paragraph (1) relating to hate violence to the governing board, trustees, board of directors, or regents, as the case may be. The governing board, trustees, board of directors, or regents, as the case may be, shall, upon collection of that information from all of the campuses within their jurisdiction, make a report containing a compilation of that information available to the general public on the internet website of each respective institution. It is the intent of the Legislature that the governing board of each community college district, the Trustees of the California State University, the Board of Directors of the college named in Section 92200, the Regents of the University of California, and the governing board of any postsecondary educational institution receiving public funds for student financial assistance establish guidelines for identifying and reporting occurrences of hate violence. It is the intent of the Legislature that the guidelines established by these institutions of higher education be as consistent with each other as possible. These guidelines shall be developed in consultation with the Civil Rights Department and the California Association of Human Relations Organizations.

(6) (A) Notwithstanding Article 1 (commencing with Section 7923.600) of Chapter 1 of Part 5 of Division 10 of Title 1 of the Government Code, require any report made by a victim or an employee pursuant to Section

67383 of a Part 1 violent crime, sexual assault, or hate crime, as described in Section 422.55 of the Penal Code, received by a campus security authority and made by the victim for purposes of notifying the institution or law enforcement, to be immediately, or as soon as practicably possible, disclosed to the local law enforcement agency with which the institution has a written agreement pursuant to Section 67381 without identifying the victim, unless the victim consents to being identified after the victim has been informed of the victim's right to have the victim's personally identifying information withheld. If the victim does not consent to being identified, the alleged assailant shall not be identified in the information disclosed to the local law enforcement agency, unless the institution determines both of the following, in which case the institution shall disclose the identity of the alleged assailant to the local law enforcement agency and shall immediately inform the victim of that disclosure:

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

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

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

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

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

(c) For purposes of this section:

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

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

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

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

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

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

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

**67385.** (a) The governing board of each community college district, the Trustees of the California State University, the Board of Directors of the college named in Section 92200, and the Regents of the University of California shall each adopt, and implement at each of their respective campuses or other facilities, a written

procedure or protocols to ensure, to the fullest extent possible, that students, faculty, and staff who are victims of sexual assault committed at or upon the grounds of, or upon off-campus grounds or facilities maintained by the institution, or upon grounds or facilities maintained by affiliated student organizations, shall receive treatment and information. If appropriate on-campus treatment facilities are unavailable, the written procedure or protocols may provide for referrals to local community treatment centers.

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

- (1) The college policy regarding sexual assault on campus.
- (2) Personnel on campus who should be notified, and procedures for notification, with the consent of the victim.
- (3) Legal reporting requirements, and procedures for fulfilling them.
- (4) Services available to victims, and personnel responsible for providing these services, such as the person assigned to transport the victim to the hospital, to refer the victim to a counseling center, and to notify the police, with the victim's concurrence.
- (5) A description of campus resources available to victims, as well as appropriate off-campus services.
- (6) Procedures for ongoing case management, including procedures for keeping the victim informed of the status of any student disciplinary proceedings in connection with the sexual assault, and the results of any disciplinary action or appeal, and helping the victim deal with academic difficulties that may arise because of the victimization and its impact.
- (7) Procedures for guaranteeing confidentiality and appropriately handling requests for information from the press, concerned students, and parents.
- (8) Procedures ensuring that each victim of sexual assault should receive information about the existence of at least the following options: criminal prosecutions, civil prosecutions, the disciplinary process through the college, the availability of mediation, alternative housing assignments, and academic assistance alternatives.

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

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

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

**SEC. 12.5.** Section 67385 of the Education Code is amended to read:

**67385.** (a) The governing board of each community college district, the Trustees of the California State University, the Board of Directors of the college named in Section 92200, and the Regents of the University of California shall each adopt, and implement at each of their respective campuses or other facilities, a written procedure or protocols to ensure, to the fullest extent possible, that students, faculty, and staff who are victims of sexual assault or domestic violence committed at or upon locations, including, but not limited to, the grounds of the institution, off-campus grounds or facilities maintained by the institution, or grounds or facilities maintained by affiliated student organizations, shall receive treatment and information. If appropriate on-campus treatment facilities are unavailable, the written procedure or protocols may provide for referrals to local community treatment centers.

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



- (1) The college policy regarding sexual assault on campus.
- (2) Personnel on campus who should be notified, and procedures for notification, with the consent of the victim.
- (3) Legal reporting requirements, and procedures for fulfilling them.
- (4) Services available to victims, and personnel responsible for providing these services, such as the person assigned to transport the victim to the hospital, to refer the victim to a counseling center, and to notify the police, with the victim's concurrence.
- (5) A description of campus resources available to victims, as well as appropriate off-campus services.
- (6) Procedures for ongoing case management, including procedures for keeping the victim informed of the status of any student disciplinary proceedings in connection with the sexual assault or domestic violence, and the results of any disciplinary action or appeal, and helping the victim deal with academic difficulties that may arise because of the victimization and its impact.
- (7) Procedures for guaranteeing confidentiality and appropriately handling requests for information from the press, concerned students, and parents.
- (8) Procedures ensuring that each victim of sexual assault or domestic violence receives information about the availability of at least all of the following options:
  - (A) Counselors and support services for victims.
  - (B) Criminal prosecutions.
  - (C) Civil prosecutions.
  - (D) The disciplinary process through the college.
  - (E) Alternative dispute resolution or other accountability processes.
  - (F) Alternative housing assignments.
  - (G) Academic assistance alternatives.
- (c) The written procedure or protocols adopted pursuant to subdivision (a) shall be reviewed annually, and updated as necessary in collaboration with sexual assault and domestic violence counselors and student, faculty, and staff representatives.
- (d) Each segment of higher education shall implement this chapter from existing funds and resources available to it.
- (e) (1) Sexual assault and domestic violence counselors shall be independent from the Title IX office, and shall, at a minimum, meet the qualifications defined in Sections 1035.2 and 1037.1 of the Evidence Code, respectively.
  - (2) Services provided by sexual assault and domestic violence counselors, including, but not limited to, securing alternative housing assignments and academic assistance alternatives, shall not be contingent on a victim's decision to report to the Title IX office or law enforcement.
- (f) (1) A sexual assault or domestic violence counselor shall obtain specific permission from the victim before disclosing the identity of the victim, or any information that could reasonably be expected to reveal the identity of the victim, to the university or any other authority, including law enforcement, unless otherwise required to do so by applicable state or federal law.
  - (2) This subdivision is intended to maintain confidentiality, preserve any applicable privileges, including, but not limited to, Article 8.5 (commencing with Section 1035) and Article 8.7 (commencing with Section 1037)

of Chapter 4 of Division 8 of the Evidence Code, and protect the privacy of students requesting assistance from a sexual assault or domestic violence counselor.

(g) For purposes of this section, all of the following apply:

(1) "Sexual assault" includes, but is not limited to, rape, forced sodomy, forced oral copulation, rape by a foreign object, sexual battery, or threat of sexual assault.

(2) (A) "Specific permission" means all of the following:

(i) The permission is limited to disclosure to particular people, for a particular circumstance, or for a particular purpose for which the permission was given.

(ii) The permission is limited to the counselor to whom it was given.

(iii) The permission may be withdrawn.

(B) Unlimited or general permission for disclosure is not specific permission.

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

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

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

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

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

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

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

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

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

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

(4) The University of California, the California State University, the college named in Section 92200, and the

California Maritime Academy should endeavor to ensure that increases in the level of nonresident tuition are gradual, moderate, and predictable by providing nonresident students with a minimum of a 10-month notice of tuition increases.

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

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

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

**68120.** (a) Notwithstanding any other law, no mandatory systemwide fees or tuition or mandatory campus-based fees of any kind shall be required or collected by the Regents of the University of California, the Board of Directors of the college named in Section 92200, the Trustees of the California State University, the Board of Governors of the California Community Colleges, or any campus of the University of California, the California State University, or the California Community Colleges from any surviving spouse or surviving child of a deceased person who met all of the following requirements:

- (1) The deceased person was a resident of this state.
- (2) The deceased person was employed by a public agency or was a contractor, or an employee of a contractor, performing services for a public agency, or was a firefighter employed by the federal government whose duty assignment involved the performance of firefighting services in this state.
- (3) The deceased person's principal duties consisted of active law enforcement service or active fire suppression and prevention. This section does not apply to a person whose principal duties were clerical, even if the person was subject to occasional call or was occasionally called upon to perform duties within the scope of active law enforcement or active fire suppression and prevention.
- (4) The deceased person was killed in the performance of active law enforcement or active fire suppression and prevention duties, died as a result of an accident or an injury caused by external violence or physical force incurred in the performance of the person's active law enforcement or active fire suppression and prevention duties, or died as a result of an industrial injury or illness arising out of and in the course of active law enforcement or fire suppression and prevention duties.

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

- (1) Enrollment as an undergraduate student at a campus of the University of California or the California State University or as a student at a community college campus.
- (2) Documentation that the student's annual income, including the value of any support received from a parent, does not exceed the maximum household income and asset level for an applicant for a Cal Grant B award, as set forth in Section 69432.7.

(c) As used in this section:

- (1) "Contractor" or "employee of a contractor" does not include a security guard or security officer, as defined in Section 7582.1 of the Business and Professions Code.
- (2) "Public agency" means the state or any city, county, city and county, district, or other local authority or public body of or within the state.

(3) "Spouse" has the same meaning as defined in Section 22171.

(4) "Surviving child" means either of the following:

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

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

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

(ii) The stepchild was claimed on the tax form most recently filed by the deceased person before that person's death, or the stepchild received 50 percent or more of the stepchild's support from that deceased person in the tax year immediately preceding the death of the deceased person, or both.

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

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

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

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

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

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

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

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

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

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

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

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

(e) As used in this section:

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

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

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

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

(5) "Surviving child" means either of the following:

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

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

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

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

(6) "Surviving spouse" has the same meaning as "spouse" in Section 22171.

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

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

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

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

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

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

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

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

**68121.** (a) Notwithstanding any other law, no mandatory systemwide fees or tuition of any kind shall be required or collected by the Regents of the University of California or the Trustees of the California State University, from a student who is in an undergraduate program and who is the surviving dependent of any individual killed in the September 11, 2001, terrorist attacks on the World Trade Center in New York City, the Pentagon building in Washington, DC, or the crash of United Airlines Flight 93 in southwestern Pennsylvania, if the student meets the financial need requirements set forth in Section 69432.7 for the Cal Grant A Program

and either of the following apply:

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

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

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

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

(d) (1) "Dependent," for purposes of this section, is a person who, because of their relationship to an individual killed as a result of injuries sustained during the terrorist attacks of September 11, 2001, qualifies for compensation under the federal September 11th Victim Compensation Fund of 2001 (Title IV (commencing with Section 401) of Public Law 107-42).

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

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

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

**SEC. 19.** 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 is amended to read:

**Article 1. A Law College Affiliated with the University of California**

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

**92200.** (a) In compliance with the process described in subdivision (c), the law college founded in the City of San Francisco in 1878 shall be designated as the College of the Law, San Francisco.

(b) As requested by the Legislature, the college engaged in a consultative process with the Round Valley Indian Tribes, a federally recognized tribal government, and its designees of the Yuki Indian Committee.

(c) (1) A name change shall require all of the following:

(A) The Legislature requests that the Board of Directors of the law college founded in the City of San Francisco in 1878 engage in consultation with representatives of the Round Valley Indian Tribes, a federally recognized tribal government, and its designees of the Yuki Indian Committee.

(B) That full consultation with the Round Valley Indian Tribes, a federally recognized tribal government,

and its designees of the Yuki Indian Committee approved by the Round Valley Tribes, has concluded.

(C) The Legislature requests that the Board of Directors of the college vote on replacement name names for the college. The Legislature requests that this vote be pursuant to consultation described in this subdivision. The Legislature requests that the Board of Directors of the college include the final vote in its minutes for the meeting in which the final vote occurs.

(D) After the board approves the replacement name pursuant to subparagraph (C), the Legislature requests that the Board of Directors of the college make a final recommendation to the Legislature.

(2) For purposes of this subdivision, "consultation" means the same as that term is defined in Section 65352.4 of the Government Code.

(d) The amendments to this section by the act that added this subdivision shall only become operative if funds are appropriated in the Budget Act of 2022 to the College of the Law, San Francisco for the purpose of designating a name for the law college founded in the City of San Francisco in 1878.

(e) The Legislature requests the Board of Directors of the college to adopt all of the following:

(1) Name the college's campus library with an appropriate Yuki name or name determined by the Round Valley Indian Tribes.

(2) Ensure that the reading of an annual statement of the history of atrocities committed by S.C. Hastings against the Yuki people occurs at the start of both the convocation and commencement ceremonies, the college's two signature annual ceremonies.

(3) Reengage in consultation with the Round Valley Indian Tribes if there is a change in the geographical name of the location of the college.

(4) Develop opportunities for collaboration between the college's Moot Court and Trial Advocacy and Competition Groups programs with students of the Round Valley Indian Tribes to provide experience in debate and writing skills.

(5) Institute a moot court competition related to California's treatment of Native Americans and atrocities committed against them.

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

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

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

(2) Notwithstanding paragraph (1), any director in office on January 1, 2023, who was not appointed by the Governor shall be limited to a six-year term from January 1, 2023, to January 1, 2029, inclusive.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

**92630.5.** This article shall apply to the University of California only to the extent that the regents act, by resolution, to make it applicable. This article shall apply to the college named in Section 92200 only to the extent that the Board of Directors of the college named in Section 92200 acts, by resolution, to make it applicable.



**SEC. 28.** Section 94110 of the Education Code, as amended by Section 1 of Chapter 123 of the Statutes of 2022, is amended to read:

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

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

(b) "Bond" means bonds, notes, debentures, securities, or other evidences of indebtedness of the authority issued pursuant to this chapter.

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

(d) "Dormitory" means a housing unit with necessary and usual attendant and related facilities and equipment.

(e) (1) "Educational facility" means a dormitory, dining hall, student union, administration building, academic building, library, laboratory, research facility, classroom, health care facility (including for an institution of higher education that maintains and operates a school of medicine, structures or facilities designed to provide services as a hospital or clinic, whether the hospital or clinic is operated directly by the institution of higher education or by a separate nonprofit corporation, the members of which consist of the educational institution or the members of its governing body), faculty and staff housing, parking, maintenance, storage, or utility facilities, and other related structures or facilities used for student instruction, conducting research, or operating an institution for higher education, and related facilities and equipment.

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

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

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

(h) "Participating private college" or "participating college" means a private college that participates with the authority in undertaking the financing of working capital or the financing and construction or acquisition of a project and does not restrict the admission of a student based on the student's race or ethnicity, provided that

the financing does not violate Section 5 of Article XVI of the California Constitution or the establishment clause of the First Amendment to the United States Constitution.

(i) (1) "Private college" means an institution for higher education other than a public college, situated within the state and that, by virtue of law or charter, is a nonprofit private or independent degree-granting educational institution that is regionally accredited and empowered to provide a program of education beyond the high school level.

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

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

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

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

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

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

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

(C) The project is monitored on an annual basis by the authority to ensure that it meets the requirements of subparagraph (E) and 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.

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

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

(o) "Top administrative official" means the chancellor in the case of a campus of the University of California, the dean in the case of the college named in Section 92200, the president in the case of a campus of the California State University, the president in the case of a campus of the California Community Colleges, or the president or highest ranking official in the case of a participating private college.

(p) "Working capital" means maintenance or operation expenses or any other costs that would be treated as an expense item, under generally accepted accounting principles, in connection with the ownership or operation of an educational facility, faculty or staff housing, student housing, or any combination thereof, including, but not limited to, reserves for maintenance or operation expenses, interest on any loan for working capital made pursuant to this part, and reserves for debt service with respect to, and any costs necessary or incidental to, that financing.

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

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

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

(c) As used in this chapter:

(1) "Initiative" means the California Bench to School Initiative established in subdivision (a).

(2) "Institute" means the California Institute on Law, Neuroscience, and Education created pursuant to subdivision (a).

(3) "UC College" means the college named in Section 92200.

(4) "UCSF" means the University of California, San Francisco.

(5) "UC/CSU California Collaborative for Neurodiversity and Learning" means the collaboration between the University of California, Los Angeles, and California State University, managed by the University of California, Los Angeles.

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

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

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

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

(1) UCSF.

(2) UC college named in Section 92200.

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

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

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

(6) A Senator selected by the President pro Tempore of the 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 State of California pursuant to this chapter for the purpose of funding aid to the University of California, the California State University, the California Community Colleges, and the college named in Section 92200 for the construction, including the construction of buildings and the acquisition of related fixtures; the equipping of new, renovated, or reconstructed facilities; funding for the payment of preconstruction costs, including, but not limited to, preliminary plans and working drawings; renovation and reconstruction of facilities; and the construction or improvement of off-campus facilities of the California State University approved by the Trustees of the California State University on or before July 1, 1990, including the acquisition of sites upon which these facilities are to be constructed.

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

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

**100450.** 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, the college named in Section 92200, the California State University, the California Community Colleges, 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 California Postsecondary Education Commission, 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, seven hundred fifty million dollars (\$750,000,000) per year into the next century.

(d) Proceeds from the sale of bonds issued and sold pursuant to this chapter may be used to fund construction on existing or new campuses and off-campus centers, including the construction of buildings and the acquisition of related fixtures, the renovation and reconstruction of facilities, site acquisition, the equipping of new, renovated, or reconstructed facilities, which equipment shall have an average useful life of 10 years; and to provide funds for the payment of preconstruction costs, including, but not limited to, preliminary plans and

working drawings at the University of California, the college named in Section 92200, the California State University, and the California Community Colleges.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

**100745.** (a) For the purposes of carrying out this chapter, the Director of Finance may authorize the withdrawal from the General Fund of an amount not to exceed the amount of the unsold bonds that have been authorized by the Higher Education Facilities Finance Committee to be sold for the purpose of carrying out this chapter. Any amounts withdrawn shall be deposited in the 2002 Higher Education Capital Outlay Bond Fund consistent with this chapter. Any money made available under this section shall be returned to the General Fund, plus an amount equal to the interest that the money would have earned in the Pooled Money Investment Account, from proceeds received from the sale of bonds for the purpose of carrying out this chapter.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(b) Any request forwarded to the Legislature and the Department of Finance for funds from this bond issue for expenditure for the purposes described in this chapter by the University of California, the college named in Section 92200, the California State University, or the California Community Colleges shall be accompanied by the five-year capital outlay plan. Requests forwarded by a university or college shall include a schedule that prioritizes the seismic retrofitting needed to significantly reduce, in the judgment of the particular university or



college, seismic hazards in buildings identified as high priority by the university or college. Requests forwarded by the California Community Colleges shall be accompanied by a five-year capital outlay plan reflecting the needs and priorities of the community college system, prioritized on a statewide basis.

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

**101040.** (a) The system of public universities in this state includes the University of California, the college named in Section 92200, and the California State University, and their respective off-campus centers.

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

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

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

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

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

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

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

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

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

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

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

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

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

(b) Any request forwarded to the Legislature and the Department of Finance for funds from this bond issue for expenditure for the purposes described in this chapter by the University of California, the college named in Section 92200, or the California State University shall be accompanied by the five-year capital outlay plan. Requests forwarded by a university or college shall include a schedule that prioritizes the seismic retrofitting needed to significantly reduce, in the judgment of the particular university or college, seismic hazards in buildings identified as high priority by the university or college.

**SEC. 48.** Section 3527 of the Government Code is amended to read:**3527.** As used in this chapter:

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

(b) "Excluded employee," means all managerial employees, as defined in subdivision (e) of Section 3513, all confidential employees, as defined in subdivision (f) of Section 3513, and all supervisory employees, as defined in subdivision (g) of Section 3513, and all civil service employees of the Department of Human Resources, professional employees of the Department of Finance engaged in technical or analytical state budget preparation other than the auditing staff, professional employees in the Personnel/Payroll Services Division of the Controller's office engaged in technical or analytical duties in support of the state's personnel and payroll systems other than the training staff, employees of the Legislative Counsel Bureau, employees of the Bureau of State Audits, employees of the Public Employment Relations Board, conciliators employed by the California State Mediation and Conciliation Service, employees of the office of the State Chief Information Officer except as provided in Section 11546.5, employees of the office of the Secretary of Government Operations within the Government Operations Agency, and intermittent athletic inspectors who are employees of the State Athletic Commission.

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

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

(e) "State employer" or "employer," for purposes of meeting and conferring on matters relating to supervisory employer-employee relations, means the Governor or the Governor's designated representatives.

**SEC. 49.** Section 3560 of the Government Code is amended to read:**3560.** The Legislature hereby finds and declares that:

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

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

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

(d) The people and the aforementioned higher education employers each have a fundamental interest in the preservation and promotion of the responsibilities granted by the people of the State of California. Harmonious relations between each higher education employer and its employees are necessary to that 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 of the University of California, the college named in Section 92200 of the Education Code, and the California State University. All parties subject to this chapter shall respect and endeavor to preserve academic freedom in the University of California, the college named in Section 92200 of the Education Code, and the California State University.

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

**3562.** As used in this chapter:

- (a) "Arbitration" means a method of resolving a rights dispute under which the parties to a controversy must accept the award of a third party.
- (b) "Board" means the Public Employment Relations Board established pursuant to Section 3513.
- (c) "Certified organization" means an employee organization that has been certified by the board as the exclusive representative of the employees in an appropriate unit after a proceeding under Article 5 (commencing with Section 3573).
- (d) "Confidential employee" means any employee who is required to develop or present management positions with respect to meeting and conferring or whose duties normally require access to confidential information which contributes significantly to the development of those management positions.
- (e) "Employee" or "higher education employee" means any employee, including student employees whose employment is contingent on their status as students, of the Regents of the University of California, the Board of Directors of the college named in Section 92200 of the Education Code, or the Trustees of the California State University. However, managerial and confidential employees and employees whose principal place of employment is outside the State of California at a worksite with 100 or fewer employees shall be excluded from coverage under this chapter.
- (f) (1) "Employee organization" means any organization of any kind in which higher education employees participate and that exists for the purpose, in whole or in part, of dealing with higher education employers concerning grievances, labor disputes, wages, hours, and other terms and conditions of employment of employees. An organization that represents one or more employees whose principal worksite is located outside the State of California is an employee organization only if it has filed with the board and with the employer a statement agreeing, in consideration of obtaining the benefits of status as an employee organization pursuant to this chapter, to submit to the jurisdiction of the board. The board shall promulgate the form of the statement.
- (2) "Employee organization" shall also include any person that an employee organization authorizes to act on its behalf. An academic senate, or other similar academic bodies, or divisions thereof, shall not be considered employee organizations for the purposes of this chapter.
- (g) "Employer" or "higher education employer" means the Regents of the University of California in the case of the University of California, the Board of Directors of the college named in Section 92200 of the Education Code in the case of the college named in Section 92200 of the Education Code, and the Trustees of the California State University in the case of the California State University, including any person acting as an agent of an employer.
- (h) "Employer representative" means any person or persons authorized to act on behalf of the employer.
- (i) "Exclusive representative" means any recognized or certified employee organization or person it authorizes to act on its behalf.
- (j) "Impasse" means that the parties have reached a point in meeting and conferring at which their differences in positions are such that further meetings would be futile.
- (k) "Managerial employee" means any employee having significant responsibilities for formulating or administering policies and programs. No employee or group of employees shall be deemed to be managerial employees solely because the employee or group of employees participates in decisions with respect to courses, curriculum, personnel, and other matters of educational policy. A department chair or head of a similar academic unit or program who performs the foregoing duties primarily on behalf of the members of the academic unit or program shall not be deemed a managerial employee solely because of those duties.
- (l) "Mediation" means the efforts of a third person, or persons, functioning as intermediaries, to assist the parties in reaching a voluntary resolution to an impasse.
- (m) "Meet and confer" means the performance of the mutual obligation of the higher education employer and

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

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

(o) "Professional employee" means:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(c) Written memoranda reached pursuant to the provisions of this chapter that require budgetary or curative action by the Legislature or other funding agencies shall not be effective unless and until such an action has been taken. Following execution of written memoranda of understanding, an appropriate request for financing or budgetary funding in the aggregate for all state-funded employees or for necessary legislation will be forwarded promptly to the Legislature and the Governor or other funding agencies. When memoranda require legislative action pursuant to this section, if the Legislature or the Governor fail to fully fund the memoranda or to take the requisite curative action, the entire memoranda shall be referred back to the parties for further meeting and conferring; provided, however, that the parties may agree that provisions of the memoranda that are nonbudgetary and do not require funding shall take effect whether or not the aggregate funding requests submitted to the Legislature are approved. The Legislature recognizes that the University of California's sources of funding are multiple and approval by the Legislature, and by other public agencies, as to employees funded by those agencies, may be required before implementation of increased expenditures resulting from agreements reached in accordance with the provisions of this chapter.

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

**3580.3.** "Supervisory employee" means any individual, regardless of the job description or title, having authority, in the interest of the employer to hire, transfer, suspend, lay off, recall, promote, discharge, assign, reward, or discipline other employees, or responsibility to direct them, or to adjust their grievances, or effectively to recommend such action, if, in connection with the foregoing, the exercise of such authority is not

of a merely routine or clerical nature, but requires the use of independent judgment. With respect to faculty or academic employees, any department chair, head of a similar academic unit or program, or other employee who performs the foregoing duties primarily in the interest of and on behalf of the members of the academic department, unit or program, shall not be deemed a supervisory employee solely because of such duties; provided, that with respect to the University of California and the college named in Section 92200 of the Education Code, there shall be a rebuttable presumption that such an individual appointed by the employer to an indefinite term shall be deemed to be a supervisor. Employees whose duties are substantially similar to those of their subordinates shall not be considered to be supervisory employees.

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

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

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

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

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

(c) (1) This subdivision applies only to disputes relating to the faculty and librarians of the University of California and the college named in Section 92200 of the Education Code. For the purposes of this subdivision, "faculty" means teachers employed to teach courses and authorize the granting of credit for the successful completion of courses, and excludes employees whose employment is contingent on their status as students.

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

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

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

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

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

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

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

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

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

**8880.5.** Allocations for education:

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

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

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

(b) Payments shall also be made directly to public school districts serving community colleges, on the basis of an equal amount for each unit of average daily attendance, as defined by law.

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

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

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



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

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

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

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

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

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

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

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

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

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

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

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

- (1) Any state agency if issuing or dealing in securities authorized to be issued by it.
- (2) The State Treasurer.
- (3) The Regents of the University of California.
- (4) The Employment Development Department.
- (5) The Department of Veterans Affairs.

- (6) The college named in Section 92200 of the Education Code.
- (7) The Board of Administration of the Public Employees' Retirement System.
- (8) The State Compensation Insurance Fund.
- (9) The California Transportation Commission and the Department of Transportation if acting in accordance with bond resolutions adopted under the California Toll Bridge Authority Act (Chapter 1 (commencing with Section 30000) of Division 17 of the Streets and Highways Code) prior to September 15, 1945.
- (10) The Teachers' Retirement Board of the State Teachers' Retirement System.
- (11) The State Athletic Commission if acting pursuant to Section 18882 of the Business and Professions Code with respect to the Boxers' Pension Fund.

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

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

- (1) The proposed adoption, amendment, or repeal of a regulation shall be based on adequate information concerning the need for, and consequences of, proposed governmental action.
- (2) The state agency, before submitting a proposal to adopt, amend, or repeal a regulation to the office, shall consider the proposal's impact on business, with consideration of industries affected including the ability of California businesses to compete with businesses in other states. For purposes of evaluating the impact on the ability of California businesses to compete with businesses in other states, an agency shall consider, but not be limited to, information supplied by interested parties.
- (3) An economic impact assessment prepared pursuant to this subdivision for a proposed regulation that is not a major regulation or that is a major regulation proposed before November 1, 2013, shall be prepared in accordance with subdivision (b), and shall be included in the initial statement of reasons as required by Section 11346.2. An economic assessment prepared pursuant to this subdivision for a major regulation proposed on or after November 1, 2013, shall be prepared in accordance with subdivision (c), and shall be included in the initial statement of reasons as required by Section 11346.2.

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

- (A) The creation or elimination of jobs within the state.
- (B) The creation of new businesses or the elimination of existing businesses within the state.
- (C) The expansion of businesses currently doing business within the state.
- (D) The benefits of the regulation to the health and welfare of California residents, worker safety, and the state's environment.

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

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

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

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

(i) Independently owned and operated.

(ii) Not dominant in its field of operation.

(iii) Has fewer than 100 employees.

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

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

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

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

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

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

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

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

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

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

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

(e) Analyses conducted pursuant to this section are intended to provide agencies and the public with tools to determine whether the regulatory proposal is an efficient and effective means of implementing the policy decisions enacted in statute or by other provisions of law in the least burdensome manner. Regulatory impact analyses shall inform the agencies and the public of the economic consequences of regulatory choices, not reassess statutory policy. The baseline for the regulatory analysis shall be the most cost-effective set of regulatory measures that are equally effective in achieving the purpose of the regulation in a manner that ensures full compliance with the authorizing statute or other law being implemented or made specific by the proposed regulation.

(f) Each state agency proposing to adopt, amend, or repeal a major regulation on or after November 1, 2013, and that has prepared a standardized regulatory impact analysis pursuant to subdivision (c), shall submit that analysis to the Department of Finance upon completion. The department shall comment, within 30 days of

receiving that analysis, on the extent to which the analysis adheres to the regulations adopted pursuant to Section 11346.36. Upon receiving the comments from the department, the agency may update its analysis to reflect any comments received from the department and shall summarize the comments and the response of the agency along with a statement of the results of the updated analysis for the statement required by paragraph (10) of subdivision (a) of Section 11346.5.

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

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

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

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

(c) (1) Consistent with this section, the Department of the California Highway Patrol may establish rules and regulations pertaining to the protection of state employees, properties, buildings and grounds, and occupants of state properties, including, but not limited to, the issuance of permits concerning the use of state buildings, properties, and grounds.

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

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

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

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

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

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

(c) (1) Any eminent domain proceeding commenced by the State Public Works Board for an acquisition for high-speed train system purposes before, and pending after, January 1, 2019, shall be deemed to have been

commenced by the High-Speed Rail Authority, and the High-Speed Rail Authority shall be automatically substituted for the State Public Works Board as a party in any such action. All subsequent proceedings shall be in the name of the High-Speed Rail Authority. However, any misnomer not affecting the parties' substantial rights shall be disregarded. The court may order substitution at any time, but the absence of such an order does not affect the substitution.

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

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

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

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

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

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

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

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

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

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

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

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

(v) Any funds not used for this purpose within 24 months of the date that the funds are made available shall be awarded pursuant to subdivision (a) for the Downtown Rebound Program as set forth in

paragraph (3) of subdivision (a) of Section 50898.1.

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

(2) One hundred ninety-five million dollars (\$195,000,000) shall be transferred to the Emergency Housing and Assistance Fund to be expended for the Emergency Housing and Assistance Program authorized by Chapter 11.5 (commencing with Section 50800) of Part 2 and for supportive housing purposes specified in paragraph (3).

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

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

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

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

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

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

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

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

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

following:

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

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

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

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

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

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

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

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

(C) (i) Twelve million five hundred thousand dollars (\$12,500,000) shall be reserved for downpayment assistance to low-income first-time home buyers who, as documented to the agency by a nonprofit organization certified and funded to provide home ownership counseling by a federally funded national nonprofit corporation, are purchasing a residence in a community revitalization area targeted by the nonprofit organization and who have received home ownership counseling from the nonprofit organization. Community revitalization areas shall be limited to targeted neighborhoods identified by qualified nonprofit organizations as those neighborhoods in need of economic stimulation, renovation, and rehabilitation through efforts that include increased home ownership opportunities for low-income families.

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

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

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

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

(8) One hundred million dollars (\$100,000,000) shall be transferred to the Jobs Housing Improvement Account to be expended as capital grants to local governments for increasing housing pursuant to enabling legislation. If the enabling legislation fails to become law in the 2001-02 Regular Session of the Legislature, the specified allocation for this program shall be void and the funds shall revert for general use in the Multifamily Housing Program as specified in paragraph (1) of subdivision (a).

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

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

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

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

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

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

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

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

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

The authority of the peace officer under this subdivision extends to the area wherein military assistance is required as to a public offense committed or which there is reasonable cause to believe has been committed within that area. The requirements of Section 1031 of the Government Code are not applicable under those circumstances.



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

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

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

**SEC. 65.** Section 12.5 of this bill incorporates amendments to Section 67385 of the Education Code proposed by both this bill and Assembly Bill 1467. That section shall only become operative if (1) both bills are enacted and become effective on or before January 1, 2023, (2) each bill amends Section 67385 of the Education Code, and (3) this bill is enacted after Assembly Bill 1467, in which case Section 12 of this bill shall not become operative.