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AB-1655 University of California: requests from the California State Auditor's Office: prohibition on coordination. (2017-2018)

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Assembly Bill No. 1655

CHAPTER 802

An act to amend Section 92670 of, and to add Article 2 (commencing with Section 92005) to Chapter 1 of Part 57 of Division 9 of Title 3 of, the Education Code, relating to public postsecondary education.

[Approved by Governor October 14, 2017. Filed with Secretary of State October 14, 2017.]

LEGISLATIVE COUNSEL'S DIGEST

AB 1655, Grayson. University of California: requests from the California State Auditor's Office: prohibition on coordination.

(1) The California Constitution provides that the University of California constitutes a public trust 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. The University of California system includes 10 campuses, which are respectively located in Berkeley, Davis, Irvine, Los Angeles, Merced, Riverside, San Diego, San Francisco, Santa Barbara, and Santa Cruz.

This bill, whenever a request for information relating to the security of funds of the University of California is made by the California State Auditor's Office pursuant to these provisions to one or more campuses of the University of California, would prohibit those campuses from coordinating their responses with, or seeking counsel, advice, or similar contact regarding their response from, the Office of the President of the University of California before submitting the requested information to the California State Auditor's Office. The bill would require the California State Auditor's Office, when requesting information under these provisions, to include a statement in the request that it is requesting the information pursuant to these provisions and that the request for information is not to be shared with the Office of the President of the University of California.

(2) Existing law requires the University of California to report biennially to the Legislature and the Department of Finance on its total costs of education, as specified. Under existing law, these reports are required to be submitted on or before October 1 of each even-numbered year, commencing in 2014 and continuing until the requirement for submission of these biennial reports becomes inoperative on January 1, 2021.

This bill would express the intent of the Legislature to ensure that the Legislature has accurate information upon which to base funding decisions relating to the University of California. The bill would require that the amounts included in the reports be based on publicly available information. The bill would require that the costs reported be prior year actual expenditures. The bill would change the date on which the requirement for submission of these biennial reports becomes inoperative to January 1, 2023.

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

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

SECTION 1. Article 2 (commencing with Section 92005) is added to Chapter 1 of Part 57 of Division 9 of Title 3 of the Education Code, to read:

Article 2. Information Requests

92005. (a) In order to ensure that accurate and unfiltered information is provided to the Legislature for purposes of making informed funding decisions, whenever a request for information relating to the security of funds of the University of California is made by the California State Auditor's Office pursuant to this section to one or more campuses of the University of California, those campuses shall not coordinate their responses with, or seek counsel, advice, or similar contact regarding their responses from, the Office of the President of the University of California before submitting the requested information to the California State Auditor's Office.

(b) The California State Auditor's Office, when requesting information under this section, shall include a statement in the request that it is requesting the information pursuant to this section and that the request for information is not to be shared with the Office of the President of the University of California.

SEC. 2. Section 92670 of the Education Code is amended to read:

92670. (a) (1) It is the intent of the Legislature, in enacting this section, to ensure that the Legislature has accurate information upon which to base funding decisions relating to the University of California.

(2) The University of California shall report biennially to the Legislature and the Department of Finance, on or before October 1, 2014, and on or before October 1 of each even-numbered year thereafter, on the total costs of education at the University of California. The amounts included in the reports required by this section shall be based on publicly available information.

(b) The report shall identify the costs of undergraduate education, graduate academic education, graduate professional education, and research activities. All four categories listed in this subdivision shall be reported in total and disaggregated separately by health sciences disciplines, disciplines included in paragraph (13) of subdivision (b) of Section 92675, and all other disciplines. For purposes of this report, research for which a student earns credit toward his or her degree program shall be identified as undergraduate education or graduate education.

(c) The costs reported in the reports required by this section shall be prior year actual expenditures, and shall also be reported by fund source, including all of the following:

(1) State General Fund.

(2) Systemwide tuition and fees.

(3) Nonresident tuition and fees and other student fees.

(4) University of California General Funds, including interest on General Fund balances and the portion of indirect cost recovery and patent royalty income used for core educational purposes.

(d) For any report submitted under this section before January 1, 2017, the costs shall, at a minimum, be reported on a systemwide basis. For any report submitted under this section on or after January 1, 2017, the costs shall be reported on both a systemwide and campus-by-campus basis.

(e) A report prepared under this section on or after January 1, 2017, shall include information on costs, disaggregated by campus, based on the methodology developed by the National Association of College and University Business Officers in its February 2002 report, Explaining College Costs, and other methodologies determined by the university.

(f) A report to be submitted to the Legislature pursuant to this section shall be submitted in compliance with Section 9795 of the Government Code.

(g) Pursuant to Section 10231.5 of the Government Code, the requirement for submitting a report under this section shall be inoperative on January 1, 2023, pursuant to Section 10231.5 of the Government Code.