



STATE CAPITOL
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Assembly
California Legislature
Committee on Rules

RICHARD S. GORDON
CHAIR

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PATTY LOPEZ (D-ALT.)
JAY OBERNOLTE (R-ALT.)

Monday, January 26, 2015
11:50 AM
State Capitol, Room 3162

CONSENT AGENDA

Bill Referrals

1. Consent Bill Referrals

[Page 2](#)

Requests to Add Urgency Clause

2. AB 13 (Chávez) Relative to Public postsecondary education: community colleges: exemptions from
3. AB 27 (Chávez) Relative to Public postsecondary education: exemption from nonresident tuition.

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REFERRAL OF BILLS TO COMMITTEE

01/26/2015

Pursuant to the Assembly Rules, the following bills were referred to committee:

Assembly Bill No.	Committee:
<u>AB 82</u>	TRANS.
<u>AB 84</u>	PUB. S.
<u>AB 85</u>	G.O.
<u>AB 87</u>	JUD.
<u>AB 88</u>	REV. & TAX.
<u>AB 90</u>	H. & C.D.
<u>AB 91</u>	BUDGET
<u>AB 92</u>	BUDGET
<u>AB 93</u>	BUDGET
<u>AB 94</u>	BUDGET
<u>AB 95</u>	BUDGET
<u>AB 96</u>	W.,P. & W.
<u>AB 99</u>	REV. & TAX.
<u>AB 100</u>	RLS.
<u>AB 103</u>	BUDGET
<u>AB 139</u>	JUD.
<u>AB 141</u>	ED.
<u>AB 142</u>	NAT. RES.
<u>AB 143</u>	HEALTH
<u>AB 145</u>	L. & E.
<u>AB 146</u>	ED.
<u>AB 147</u>	HIGHER ED.
<u>ACR 9</u>	RLS.
<u>SCR 4</u>	RLS.



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Memo

To: Rules Committee Members
From: Mukhtar Ali, Bill Referral Consultant
Date: 1/23/15
Re: Consent Bill Referrals

AB 103 has been added to the referral list.



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ASSEMBLY BILL

No. 13

Introduced by Assembly Member Chávez

December 1, 2014

An act to amend Section 76140 of the Education Code, relating to public postsecondary education.

LEGISLATIVE COUNSEL'S DIGEST

AB 13, as introduced, Chávez. Public postsecondary education: community colleges: exemptions from nonresident tuition.

(1) Existing law establishes the California Community Colleges, under the administration of the Board of Governors of the California Community Colleges, as one of the segments of public higher education in the state. Existing law generally requires community college districts to charge a tuition fee to nonresident students, but exempts specified community college students from paying that nonresident tuition fee.

This bill would additionally exempt nonresident students enrolled at a community college who are using, or are intending to use, Federal GI Bill education benefits, as specified, to cover the costs associated with enrollment as a community college student.

This bill would authorize community college districts to report students exempted from nonresident tuition under this bill as resident full-time equivalent students for purposes of calculating apportionments to those districts.

To the extent that this bill would place additional requirements on community college districts regarding the provision of postsecondary education benefits to additional categories of students, the bill would impose a state-mandated local program.

(2) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. Section 76140 of the Education Code is amended
2 to read:

3 76140. (a) A community college district may admit, and shall
4 charge a tuition fee to, nonresident students, except that a
5 community college district may exempt from all or parts of the
6 fee any person described in paragraph (1), (2), (3), or (4), and shall
7 exempt from all of the fee any person described in paragraph ~~(5)~~:
8 ~~(5)~~ or (6):

9 (1) All nonresidents who enroll for six or fewer units.
10 Exemptions made pursuant to this paragraph shall not be made on
11 an individual basis.

12 (2) Any nonresident who is both a citizen and resident of a
13 foreign country, if the nonresident has demonstrated a financial
14 need for the exemption. Not more than 10 percent of the
15 nonresident foreign students attending any community college
16 district may be so exempted. Exemptions made pursuant to this
17 paragraph may be made on an individual basis.

18 (3) (A) A student who, as of August 29, 2005, was enrolled,
19 or admitted with an intention to enroll, in the fall term of the
20 2005–06 academic year in a regionally accredited institution of
21 higher education in Alabama, Louisiana, or Mississippi, and who
22 could not continue his or her attendance at that institution as a
23 direct consequence of damage sustained by that institution as a
24 result of Hurricane Katrina.

25 (B) The chancellor shall develop guidelines for the
26 implementation of this paragraph. These guidelines shall include
27 standards for appropriate documentation of student eligibility to
28 the extent feasible.

1 (C) This paragraph shall apply only to the 2005–06 academic
2 year.

3 (4) A special part-time student admitted pursuant to Section
4 76001.

5 (5) A nonresident student who is a United States citizen who
6 resides in a foreign country, if that nonresident meets all of the
7 following requirements:

8 (A) Demonstrates a financial need for the exemption.

9 (B) Has a parent or guardian who has been deported or was
10 permitted to depart voluntarily under the federal Immigration and
11 Nationality Act in accordance with Section 1229c of Title 8 of the
12 United States Code. The student shall provide documents from the
13 United States Citizenship and Immigration Services evidencing
14 the deportation or voluntary departure of his or her parent or
15 guardian.

16 (C) Moved abroad as a result of the deportation or voluntary
17 departure specified in subparagraph (B).

18 (D) Lived in California immediately before moving abroad. The
19 student shall provide information and evidence that demonstrates
20 the student previously lived in California.

21 (E) Attended a public or private secondary school, as described
22 in Sections 52 and 53, in the state for three or more years. The
23 student shall provide documents that demonstrate his or her
24 secondary school attendance.

25 (F) Upon enrollment, will be in his or her first academic year
26 as a matriculated student in California public higher education, as
27 that term is defined in subdivision (a) of Section 66010, will be
28 living in California, and will file an affidavit with the institution
29 stating that he or she intends to establish residency in California
30 as soon as possible.

31 *(6) A nonresident student who is using, or is intending to use,*
32 *GI Bill education benefits while enrolled at a community college.*
33 *As used in this paragraph, “GI Bill education benefits” refers to*
34 *any education benefit administered by the United States*
35 *Department of Veterans Affairs pursuant to Title 38 of the United*
36 *States Code that is designed to help eligible veterans of the Armed*
37 *Forces of the United States or other eligible persons with a*
38 *relationship to a veteran of the Armed Forces of the United States*
39 *to cover the costs associated with enrollment as a community*
40 *college student.*

1 (b) A district may contract with a state, a county contiguous to
2 California, the federal government, or a foreign country, or an
3 agency thereof, for payment of all or a part of a nonresident
4 student's tuition fee.

5 (c) Nonresident students shall not be reported as full-time
6 equivalent students (FTES) for state apportionment purposes,
7 except as provided by subdivision (j) or another statute, in which
8 case a nonresident tuition fee may not be charged.

9 (d) The nonresident tuition fee shall be set by the governing
10 board of each community college district not later than February
11 1 of each year for the succeeding fiscal year. The governing board
12 of each community college district shall provide nonresident
13 students with notice of nonresident tuition fee changes during the
14 spring term before the fall term in which the change will take
15 effect. Nonresident tuition fee increases shall be gradual, moderate,
16 and predictable. The fee may be paid in installments, as determined
17 by the governing board of the district.

18 (e) (1) The fee established by the governing board pursuant to
19 subdivision (d) shall represent for nonresident students enrolled
20 in 30 semester units or 45 quarter units of credit per fiscal year
21 one or more of the following:

22 (A) The amount that was expended by the district for the
23 expense of education as defined by the California Community
24 College Budget and Accounting Manual in the preceding fiscal
25 year increased by the projected percent increase in the United
26 States Consumer Price Index as determined by the Department of
27 Finance for the current fiscal year and succeeding fiscal year and
28 divided by the FTES (including nonresident students) attending
29 in the district in the preceding fiscal year. However, if for the
30 district's preceding fiscal year FTES of all students attending in
31 the district in noncredit courses is equal to, or greater than, 10
32 percent of the district's total FTES attending in the district, the
33 district may substitute the data for expense of education in grades
34 13 and 14 and FTES in grades 13 and 14 attending in the district.

35 (B) The expense of education in the preceding fiscal year of all
36 districts increased by the projected percent increase in the United
37 States Consumer Price Index as determined by the Department of
38 Finance for the fiscal year and succeeding fiscal year and divided
39 by the FTES (including nonresident students) attending all districts
40 during the preceding fiscal year. However, if the amount calculated

1 under this paragraph for the succeeding fiscal year is less than the
2 amount established for the current fiscal year or for any of the past
3 four fiscal years, the district may set the nonresident tuition fee at
4 the greater of the current or any of the past four-year amounts.

5 (C) An amount not to exceed the fee established by the
6 governing board of any contiguous district.

7 (D) An amount not to exceed the amount that was expended by
8 the district for the expense of education, but in no case less than
9 the statewide average as set forth in subparagraph (B).

10 (E) An amount no greater than the average of the nonresident
11 tuition fees of public community colleges of no less than 12 states
12 that are comparable to California in cost of living. The
13 determination of comparable states shall be based on a composite
14 cost-of-living index as determined by the United States Department
15 of Labor or a cooperating government agency.

16 (2) The additional revenue generated by the increased
17 nonresident tuition permitted under the amendments made to this
18 subdivision during the 2009–10 Regular Session shall be used to
19 expand and enhance services to resident students. In no event shall
20 the admission of nonresident students come at the expense of
21 resident enrollment.

22 (f) The governing board of each community college district also
23 shall adopt a tuition fee per unit of credit for nonresident students
24 enrolled in more or less than 15 units of credit per term by dividing
25 the fee determined in subdivision (e) by 30 for colleges operating
26 on the semester system and 45 for colleges operating on the quarter
27 system and rounding to the nearest whole dollar. The same rate
28 shall be uniformly charged nonresident students attending any
29 terms or sessions maintained by the community college. The rate
30 charged shall be the rate established for the fiscal year in which
31 the term or session ends.

32 (g) Any loss in district revenue generated by the nonresident
33 tuition fee shall not be offset by additional state funding.

34 (h) Any district that has fewer than 1,500 FTES and whose
35 boundary is within 10 miles of another state that has a reciprocity
36 agreement with California governing student attendance and fees
37 may exempt students from that state from the mandatory fee
38 requirement described in subdivision (a) for nonresident students.

39 (i) Any district that has more than 1,500, but less than 3,001,
40 FTES and whose boundary is within 10 miles of another state that

1 has a reciprocity agreement with California governing student
2 attendance and fees may, in any one fiscal year, exempt up to 100
3 FTES from that state from the mandatory fee requirement described
4 in subdivision (a) for nonresident students.

5 (j) The attendance of nonresident students who are exempted
6 pursuant to subdivision (h) or (i), or pursuant to paragraph ~~(3) or~~
7 ~~(5) (3), (5), or (6)~~ of subdivision (a), from the mandatory fee
8 requirement described in subdivision (a) for nonresident students
9 may be reported as resident FTES for state apportionment purposes.

10 Any nonresident student reported as resident FTES for state
11 apportionment purposes pursuant to subdivision (h) or (i) shall
12 pay a per unit fee that is three times the amount of the fee
13 established for residents pursuant to Section 76300. That fee is to
14 be included in the FTES adjustments described in Section 76300
15 for purposes of computing apportionments.

16 SEC. 2. If the Commission on State Mandates determines that
17 this act contains costs mandated by the state, reimbursement to
18 local agencies and school districts for those costs shall be made
19 pursuant to Part 7 (commencing with Section 17500) of Division
20 4 of Title 2 of the Government Code.

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Assembly California Legislature



ROCKY J. CHÁVEZ
ASSEMBLYMEMBER, SEVENTY-SIXTH DISTRICT

COMMITTEES
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EDUCATION
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HEALTH
RULES
UTILITIES AND COMMERCE

January 6, 2015

Assemblymember Richard S. Gordon, Chair
Assembly Rules Committee
State Capitol, Room 3016
Sacramento, CA 95814

Dear Mr. Chairman,

I respectfully request to add an urgency clause to AB 13. The language of AB 13 is required to bring California Code in line with new Federal law which will be enacted on July 1, 2015.

The bill gives residency exemptions for the purpose of calculating tuition rates for any person using Title 38 funds (GI Bill Beneficiaries). AB 13 will bring California Community Colleges in line with HR 3230 (2014) which will defund any program that charges Title 38 students out of state tuition starting July 1, 2015. If the Community Colleges are not granted this change in code by July 1, 2015, they face losing all Federal Title 38 funding, more than \$50 million annually.

Thank you for your consideration of this request. Please contact Lyndsay Mitchell in my Capitol office if you have any questions.

Sincerely,

A handwritten signature in cursive script that reads "Rocky J. Chavez".

Colonel Rocky J. Chávez
Assemblymember, 76th District

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ASSEMBLY BILL

No. 27

Introduced by Assembly Member Chávez

December 1, 2014

An act to amend Section 68075.5 of the Education Code, relating to public postsecondary education.

LEGISLATIVE COUNSEL'S DIGEST

AB 27, as introduced, Chávez. Public postsecondary education: exemption from nonresident tuition.

Under existing law, the segments of the public postsecondary education system in the state include the University of California, which is administered by the Regents of the University of California, the California State University, which is administered by the Trustees of the California State University, and the California Community Colleges, which are administered by the Board of Governors of the California Community Colleges.

Existing law exempts a student of the California Community Colleges or the California State University who was a member of the Armed Forces of the United States stationed in this state on active duty for more than one year immediately prior to being discharged from paying nonresident tuition for the length of time he or she lives in the state after being discharged up to the minimum time necessary to become a resident.

Existing law also exempts a student meeting the qualifications described above if he or she is enrolled, or intending to enroll, at a campus of the California Community Colleges or as an undergraduate at a campus of the California State University from paying nonresident tuition for up to one year if he or she files an affidavit with the institution

stating that he or she intends to establish residency in California as soon as possible. Existing law requires a student to use this exemption within 2 years of being discharged.

Existing law requires the California Community Colleges and the California State University, and requests the University of California, to update and adopt policies no later than July 1, 2015, regarding tuition rates for eligible veterans and their eligible dependents to ensure conformity to, and compliance with, the federal Veterans Access, Choice, and Accountability Act of 2014 and the requirements of the provisions described above.

Existing law prohibits a former member of the Armed Forces who received a dishonorable or bad conduct discharge from receiving an exemption from paying nonresident tuition under either of the provisions described above.

Existing law provides that the statutory provisions relating to student residency requirements for public postsecondary education apply to the University of California only to the extent that the regents act, by resolution, to make these provisions applicable.

The bill would require the California State University, and would request the University of California, to exempt from paying nonresident tuition a student or prospective student of their respective segments who is using, or is intending to use, “GI Bill education benefits,” as defined, while enrolled as a student of that segment.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 68075.5 of the Education Code is
2 amended to read:
3 68075.5. (a) Except as provided for in subdivisions (b), (c),
4 ~~and (d), (d), and (e)~~, a student of the California Community
5 Colleges or the California State University who was a member of
6 the Armed Forces of the United States stationed in this state on
7 active duty for more than one year immediately prior to being
8 discharged shall be exempt from paying nonresident tuition for
9 the length of time he or she lives in this state after being discharged
10 up to the minimum time necessary to become a resident.
11 (b) (1) Except as provided for in subdivisions ~~(e) and (d)~~, (c),
12 (d), and (e), a student enrolled, or intending to enroll, at a campus

1 of the California Community Colleges, or as an undergraduate at
2 a campus of the California State University, who was a member
3 of the Armed Forces of the United States stationed in this state on
4 active duty for more than one year immediately prior to being
5 discharged shall be exempt from paying nonresident tuition for up
6 to one year if he or she files an affidavit with the institution at
7 which he or she is enrolled, or intends to enroll, stating that he or
8 she intends to establish residency in California as soon as possible.

9 (2) The one-year exemption provided in paragraph (1) shall be
10 used by the student within two years of being discharged.

11 (c) Notwithstanding any other law, the California Community
12 Colleges and the California State University shall, and the
13 University of California is requested to, update and adopt policies
14 no later than July 1, 2015, regarding tuition rates for eligible
15 veterans and their eligible dependents to ensure conformity to, and
16 compliance with, the federal Veterans Access, Choice, and
17 Accountability Act of 2014 (Public Law 113-146) and the
18 requirements of this section.

19 (d) *(1) Notwithstanding any other law, the California State*
20 *University shall, and the University of California is requested to,*
21 *exempt from paying nonresident tuition a student or prospective*
22 *student of their respective segments who is using, or is intending*
23 *to use, "GI Bill education benefits" while enrolled as a student of*
24 *that segment.*

25 (2) *As used in this subdivision, "GI Bill education benefits"*
26 *refers to any education benefit administered by the United States*
27 *Department of Veterans Affairs pursuant to Title 38 of the United*
28 *States Code that is designed to help eligible veterans of the Armed*
29 *Forces of the United States or other eligible persons with a*
30 *relationship to a veteran of the Armed Forces of the United States*
31 *to cover the costs associated with enrollment as a student of that*
32 *segment.*

33 ~~(d)~~

34 (e) A former member of the Armed Forces of the United States
35 who received a dishonorable or bad conduct discharge shall not
36 be eligible for an exemption pursuant to this section.

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Dear Mr. Chairman,

I respectfully request to add an urgency clause to AB 27. The language of AB 27 is required to bring California Code in line with new Federal law which will be enacted on July 1, 2015.

The bill gives residency exemptions for the purpose of calculating tuition rates for any person using Title 38 funds (GI Bill Beneficiaries). AB 27 will bring all Public Postsecondary Institutions in line with HR 3230 (2014) which will defund any program that charges Title 38 students out of state tuition starting July 1, 2015. If the UCs, CSU and Community Colleges are not granted this change in code by July 1, 2015, they face losing all Federal Title 38 funding, more than \$100 million annually across all segments.

Thank you for your consideration of this request. Please contact Lyndsay Mitchell in my Capitol office if you have any questions.

Sincerely,

A handwritten signature in black ink, appearing to read "Rocky J. Chavez".

Colonel Rocky J. Chávez
Assemblymember, 76th District

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