

Introduced by Senator WaltersFebruary 21, 2013

An act to amend Sections 68074 and 68075 of, and to repeal Section 68075.5 of, the Education Code, relating to public postsecondary education.

LEGISLATIVE COUNSEL'S DIGEST

SB 420, as introduced, Walters. Public postsecondary education: resident classification.

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 establishes uniform student residency requirements for purposes of ascertaining the amount of tuition and fees to be paid by students of public postsecondary education institutions. Existing law entitles a student to resident classification for the purpose of determining tuition and fees if the student is a member, or a child or spouse who is a dependent of a member, of the Armed Forces of the United States stationed in the state on active duty, except as specified. Existing law also entitles a student who was a member of the Armed Forces of the United States stationed in the state on active duty for more than one year immediately prior to being discharged from the Armed Forces to resident classification for a certain length of time.

This bill would expand the provisions entitling students to resident classification for the purpose of determining tuition and fees to include

every student who is a member of the armed forces reserve and every student who is a dependent child or dependent spouse of a member of the armed forces reserve. The bill would delete the existing provisions providing for resident classification for students who were members of the Armed Forces of the United States who were discharged within the immediately prior year, and would instead entitle every student who is a veteran and every student who is a dependent child or dependent spouse of a veteran to resident classification for the purpose of determining tuition and fees. The bill would request the Regents of the University of California to establish the same residency requirements as those established by this bill for students enrolled at the University of California. To the extent the bill would require community college districts to exempt more students from nonresident tuition, the bill would impose a state-mandated local program.

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 68074 of the Education Code is amended
2 to read:
3 68074. (a) A student who is a natural or adopted child,
4 stepchild, or spouse who is a dependent of (1) a member of the
5 Armed Forces of the United States stationed in this state on active
6 duty, (2) a member of the armed forces reserve, or (3) a veteran,
7 as defined in Section 88113, is entitled to resident classification
8 only for the purpose of determining the amount of tuition and fees.
9 (b) If that member of the Armed Forces of the United States or
10 the armed forces reserve, whose dependent natural or adopted
11 child, stepchild, or spouse is in attendance at an institution, (1) is
12 thereafter transferred on military orders to a place outside this state
13 where the member continues to serve in the Armed Forces of the
14 United States or armed forces reserve, or (2) is thereafter retired

1 as an active member of the Armed Forces of the United States *or*
2 *the armed forces reserve*, the student dependent shall not lose his
3 or her resident classification so long as he or she remains
4 continuously enrolled at that institution.

5 SEC. 2. Section 68075 of the Education Code is amended to
6 read:

7 68075. (a) A student who is a member of the Armed Forces
8 of the United States stationed in this state on active duty, *a member*
9 *of the armed forces reserve, or a veteran, as defined in Section*
10 *88113*, except a member of the Armed Forces assigned for
11 educational purposes to a state-supported institution of higher
12 education, is entitled to resident classification only for the purpose
13 of determining the amount of tuition and fees.

14 ~~(b) If that member of the Armed Forces of the United States~~
15 ~~who is in attendance at an institution~~ *the student* is thereafter
16 transferred on military orders to a place outside this state where
17 the member continues to serve in the Armed Forces of the United
18 States, he or she shall not lose his or her resident classification so
19 long as he or she remains continuously enrolled at that institution.

20 SEC. 3. Section 68075.5 of the Education Code is repealed.

21 ~~68075.5. (a) Except as provided for in subdivisions (b) and~~
22 ~~(c), a student who was a member of the Armed Forces of the United~~
23 ~~States stationed in this state on active duty for more than one year~~
24 ~~immediately prior to being discharged shall be exempt from paying~~
25 ~~nonresident tuition for the length of time he or she lives in this~~
26 ~~state after being discharged up to the minimum time necessary to~~
27 ~~become a resident.~~

28 ~~(b) (1) Except as provided for in subdivision (c), a community~~
29 ~~college student who was a member of the Armed Forces of the~~
30 ~~United States stationed in this state on active duty for more than~~
31 ~~one year immediately prior to being discharged shall be exempt~~
32 ~~from paying nonresident tuition for up to one year if he or she files~~
33 ~~an affidavit with the community college stating that he or she~~
34 ~~intends to establish residency in California as soon as possible.~~

35 ~~(2) The one year exemption provided in paragraph (1) shall be~~
36 ~~used while the student lives in this state and within two years of~~
37 ~~being discharged.~~

38 ~~(c) A former member of the Armed Forces of the United States~~
39 ~~who received a dishonorable or bad conduct discharge shall not~~
40 ~~be eligible for an exemption pursuant to this section.~~

1 SEC. 4. The Legislature hereby requests the Regents of the
2 University of California to establish the same residency
3 classifications for students enrolled at the University of California
4 as those enacted by this act.

5 SEC. 5. If the Commission on State Mandates determines that
6 this act contains costs mandated by the state, reimbursement to
7 local agencies and school districts for those costs shall be made
8 pursuant to Part 7 (commencing with Section 17500) of Division
9 4 of Title 2 of the Government Code.