

AMENDED IN ASSEMBLY MARCH 16, 2015

CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

ASSEMBLY BILL

No. 42

Introduced by Assembly Member Kim

(Principal coauthor: Senator Huff)

(Coauthors: Assembly Members Achadjian, Travis Allen, Baker, Bigelow, Brough, Chávez, Gallagher, Grove, Jones, Lackey, Linder, Maienschein, Mathis, Mayes, Melendez, Olsen, Patterson, Steinorth, Wagner, Waldron, and Wilk)

(Coauthors: Senators Bates, Nguyen, Nielsen, Stone, and Vidak)

December 1, 2014

An act to add Chapter 3.7 (commencing with Section 66170) and Chapter 3.8 (commencing with Section 66180) to Part 40 of Division 5 of Title 3 of the Education Code, relating to public postsecondary education, and declaring the urgency thereof, to take effect immediately.

LEGISLATIVE COUNSEL'S DIGEST

AB 42, as amended, Kim. Public postsecondary education: funding and mandatory fees.

(1) Existing law establishes the California State University, under the administration of the Trustees of the California State University, the University of California, under the administration of the Regents of the University of California, and the California Community Colleges, under the administration of the Board of Governors of the California Community Colleges, as the 3 segments of public postsecondary education in this state. Existing law appropriates funding, in the annual Budget Act and in other statutes, from the state General Fund for the support of these segments. Existing law also authorizes these segments

to require their students to pay mandatory systemwide fees and tuition, among other costs, for matriculation at these institutions.

Proposition 30, known as the Schools and Local Public Safety Protection Act of 2012, was approved by the voters at the November 6, 2012, statewide general election and, among other things, increases personal income tax and sales and use tax rates and provides revenue for public elementary and secondary schools and community colleges.

This bill would express a finding and declaration of the Legislature, and express the intent of the Legislature, relating to the enactment of Proposition 30 by the voters and to the provision of funding to the California State University, the University of California, and the California Community Colleges.

The bill, from the 2015–16 fiscal year to the 2018–19 fiscal year, inclusive, would prohibit mandatory systemwide fees or tuition charged to students of the California State University from exceeding the level of the mandatory systemwide fees or tuition charged to students of the California State University for the 2014–15 fiscal year.

The bill, from the 2015–16 fiscal year to the 2018–19 fiscal year, inclusive, would prohibit the mandatory systemwide fees charged to students of the California Community Colleges from increasing beyond the level of the mandatory systemwide fees charged to students of the California Community Colleges for the 2014–15 fiscal year.

The bill, from the 2015–16 fiscal year to the 2018–19 fiscal year, inclusive, would prohibit the mandatory systemwide fees or tuition charged to students of the University of California from exceeding the level of the mandatory systemwide fees or tuition charged to students of the University of California for the 2014–15 fiscal year.

(2) Existing law prohibits a campus of the California State University, or the Chancellor of the California State University, or both, from approving a student success fee before January 1, 2016. Existing law requires, during the 2014–15 fiscal year, the chancellor to conduct a review of the California State University Student Fee Policy relating to student success fees and to recommend to the Trustees of the California State University changes to the fee policy.

This bill, commencing with the 2015–16 fiscal year, would prohibit the imposition of a student success fee at a campus of a segment of public postsecondary education unless the student success fee is approved by a favorable vote of $\frac{2}{3}$ a majority of those students voting at an election of the student body held at that campus within the preceding 48 months.

(3) This bill would declare that it is to take effect immediately as an urgency statute.

Vote: $\frac{2}{3}$. Appropriation: no. Fiscal committee: yes.

State-mandated local program: no.

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

1 SECTION 1. (a) The Legislature finds and declares that
2 Proposition 30, known as the Schools and Local Public Safety
3 Protection Act of 2012, which was enacted by the voters at the
4 statewide general election on November 6, 2012, is estimated to
5 raise fifty billion dollars (\$50,000,000,000) over a period of seven
6 years.

7 (b) It is the intent of the Legislature to accomplish both of the
8 following:

9 (1) In recognition of the promises made to the voters of
10 California that the imposition of tax rate increases by the Schools
11 and Local Public Safety Protection Act of 2012 would protect
12 education, to provide General Fund support for the California State
13 University, the University of California, and the California
14 Community Colleges in amounts that are at least as large as the
15 amounts provided to those respective segments for the 2012–13
16 fiscal year, for as long as those higher tax rates are in effect.

17 (2) To increase funding to the California State University,
18 University of California, and California Community Colleges
19 systems to ensure that increases in mandatory systemwide student
20 fees or tuition are not required during the period when the higher
21 tax rates imposed by the Schools and Local Public Safety
22 Protection Act of 2012 will be in effect.

23 SEC. 2. Chapter 3.7 (commencing with Section 66170) is added
24 to Part 40 of Division 5 of Title 3 of the Education Code, to read:

25

26 CHAPTER 3.7. FUNDING FOR PUBLIC POSTSECONDARY

27 EDUCATION

28

29 66170. (a) Notwithstanding any other law, from the ~~2015–16~~
30 ~~2015–16~~ fiscal year to the 2018–19 fiscal year, inclusive,
31 mandatory systemwide fees or tuition charged to students of the
32 California State University shall not exceed the level of the

1 mandatory systemwide fees or tuition charged to students of the
2 California State University for the 2014–15 fiscal year.

3 (b) Notwithstanding Section 76300 or any other law, from the
4 2015–16 fiscal year to the ~~2018–19~~ 2018–19 fiscal year, inclusive,
5 the mandatory systemwide fees charged to students of the
6 California Community Colleges shall not increase beyond the level
7 of the mandatory systemwide fees charged to students of the
8 California Community Colleges for the 2014–15 fiscal year.

9 (c) Notwithstanding any other law, from the 2015–16 fiscal year
10 to the 2018–19 fiscal year, inclusive, mandatory systemwide fees
11 or tuition charged to students of the University of California shall
12 not exceed the level of the mandatory systemwide fees or tuition
13 charged to students of the University of California for the 2014–15
14 fiscal year.

15 SEC. 3. Chapter 3.8 (commencing with Section 66180) is added
16 to Part 40 of Division 5 of Title 3 of the Education Code, to read:

17
18 CHAPTER 3.8. MANDATORY FEES
19

20 66180. Commencing with the 2015–16 fiscal year:

21 (a) A student success fee, as defined in this section, shall not
22 be imposed on a student of a campus of the California Community
23 Colleges unless the student success fee has been approved by a
24 favorable vote of ~~two-thirds~~ *a majority* of those students voting at
25 an election of the student body held at that campus within the
26 preceding 48 months.

27 (b) A student success fee, as defined in this section, shall not
28 be imposed on a student of a campus of the California State
29 University unless the student success fee has been approved by a
30 favorable vote of ~~two-thirds~~ *a majority* of those students voting at
31 an election of the student body held at that campus on or after
32 January 1, 2016, and within the preceding 48 months.

33 (c) Notwithstanding Section 67400, a student success fee, as
34 defined in this section, shall not be imposed on a student of a
35 campus of the University of California unless the student success
36 fee has been approved by a favorable vote of ~~two-thirds~~ *a majority*
37 of those students voting at an election of ~~a~~ *the* student body held
38 at that campus within the preceding 48 months.

39 (d) “Student success fee,” as used in this section, is defined to
40 mean a type of campus-based mandatory fee that must be paid by

1 a student to enroll or attend a campus of the California Community
2 Colleges, the California State University, or the University of
3 California, as determined by that campus or the office of the
4 Chancellor of the California Community Colleges, the Chancellor
5 of the California State University, or the Regents of the University
6 of California, respectively.

7 SEC. 4. This act is an urgency statute necessary for the
8 immediate preservation of the public peace, health, or safety within
9 the meaning of Article IV of the Constitution and shall go into
10 immediate effect. The facts constituting the necessity are:

11 In order to protect the students of the California State University,
12 the University of California, and the California Community
13 Colleges and their families from unjustified increases in mandatory
14 systemwide fees and tuition commencing with the 2015–16 fiscal
15 year, it is necessary that this act take effect immediately.