

## Assembly Bill No. 1655

### CHAPTER 544

An act to amend Section 68120 of the Education Code, relating to public postsecondary education, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor October 5, 2005. Filed with  
Secretary of State October 5, 2005.]

#### LEGISLATIVE COUNSEL'S DIGEST

AB 1655, Jerome Horton. Public postsecondary education: fees and tuition: waiver: survivors of deceased law enforcement and firefighting personnel.

Existing law requires the Regents of the University of California, the Board of Directors of the Hastings College of the Law, and the Trustees of the California State University to excuse the mandatory systemwide tuition and fees of any surviving spouse or surviving child, natural or adopted, of a deceased person who was a resident of the state, who was employed by a public agency, or who was a contractor, or who was an employee of a contractor, as defined, whose principal duties consisted of active law enforcement service or active fire suppression and prevention, and who was killed in the performance of those duties. This provision is applicable to the Regents of the University of California only if the regents, by resolution, make it applicable.

This bill would add a surviving stepchild who, at the time of the death of that deceased person or at any time while that stepchild was a minor, was living or domiciled with the deceased person and claimed on a tax form filed by or on behalf of that deceased person, to the categories of survivors for whom the waiver of mandatory systemwide fees or tuition is authorized by this provision.

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

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

SECTION 1. Section 68120 of the Education Code is amended to read:

68120. (a) Notwithstanding any other provision of law, no mandatory systemwide fees or tuition of any kind shall be required of or collected by the Regents of the University of California, the Board of Directors of the Hastings College of the Law, or the Trustees of the California State University from any surviving spouse or surviving child of a deceased person who met all of the following requirements:

- (1) He or she was a resident of this state.

(2) He or she was employed by a public agency, or was a contractor, or an employee of a contractor, performing services for a public agency.

(3) His or her principal duties consisted of active law enforcement service or active fire suppression and prevention. This section shall not apply to a person whose principal duties were clerical, even if he or she 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) He or she was killed in the performance of active law enforcement or active fire suppression and prevention duties, or died as a result of an accident or an injury caused by external violence or physical force, incurred in the performance of his or her active law enforcement or active fire suppression and prevention duties.

(b) Notwithstanding subdivision (a), a person who qualifies for the waiver of mandatory systemwide fees and tuition 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.

(2) Documentation that his or her 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, city and county, county, district, or other local authority or public body of or within the state.

(3) “Surviving child” means either of the following:

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

(B) A surviving stepchild of the deceased person who, at the time of the death of that deceased person or at any time while that stepchild was a minor, was living or domiciled with that deceased person and claimed on a tax form filed by or on behalf of that deceased person.

SEC. 2. This act is an urgency statute necessary for the immediate preservation of the public peace, health, or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting the necessity are:

In order to prevent imminent hardship to students who are deserving of the waiver of mandatory systemwide fees and tuition that is provided by

Section 68120 of the Education Code, it is necessary that this act take effect immediately.

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