

AMENDED IN ASSEMBLY MARCH 29, 2012

CALIFORNIA LEGISLATURE—2011–12 REGULAR SESSION

ASSEMBLY BILL

No. 1969

**Introduced by Assembly Members ~~Member Beth Gaines and Norby~~
(Principal coauthor: Assembly Member Norby)**

February 23, 2012

An act to ~~add Section 68074.5 to the Education Code, relating to public postsecondary education; amend Section 11349.3 of the Government Code, relating to regulations.~~

LEGISLATIVE COUNSEL'S DIGEST

AB 1969, as amended, Beth Gaines. ~~Public postsecondary education; nonresident tuition; military members. Regulations: filing.~~

The Administrative Procedure Act generally sets forth the requirements for the adoption, publication, review, and implementation of regulations by state agencies, and for review of those regulatory actions by the Office of Administrative Law. That act requires the office to transmit a copy of a regulation to the Secretary of State for filing if the office approves the regulation or fails to act on it within 30 days. That act provides that a regulation or an order of repeal of a regulation becomes effective on the 30th day after it is filed with the Secretary of State, unless prescribed conditions occur.

This bill would prohibit the office from transmitting any regulation to the Secretary of State for filing that it receives between January 1, 2013, and January 1, 2015, inclusive, until after January 1, 2015.

~~Existing law establishes the segments of the public postsecondary education system in the state, including the University of California administered by the Regents of the University of California, the California State University administered by the Trustees of the~~

~~California State University, and the California Community Colleges 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 fees to be paid by students at these segments of public postsecondary education.~~

~~This bill would require a student who is a member or former member of the Armed Forces of the United States, as defined, or the State Military Reserve, except former members who received a specified discharge, to be exempt from paying nonresident tuition at the California State University and the California Community Colleges, and would request those members and former members to be exempt from paying nonresident tuition at the University of California. By requiring community college districts to exempt these students from paying nonresident tuition, this 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-no*.

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

- 1 SECTION 1. Section 11349.3 of the Government Code is
- 2 amended to read:
- 3 11349.3. (a) ~~The~~(1) Subject to paragraph (2), the office shall
- 4 either approve a regulation submitted to it for review and transmit
- 5 it to the Secretary of State for filing or disapprove it within 30
- 6 working days after the regulation has been submitted to the office
- 7 for review. If the office fails to act within 30 days, the regulation
- 8 shall be deemed to have been approved and the office shall transmit
- 9 it to the Secretary of State for filing.
- 10 (2) *The office shall not transmit any regulation to the Secretary*
- 11 *of State for filing that it receives between January 1, 2013, and*
- 12 *January 1, 2015, inclusive, until after January 1, 2015.*

1 (b) If the office disapproves a regulation, it shall return it to the
2 adopting agency within the 30-day period specified in subdivision
3 (a) accompanied by a notice specifying the reasons for disapproval.
4 Within seven calendar days of the issuance of the notice, the office
5 shall provide the adopting agency with a written decision detailing
6 the reasons for disapproval. No regulation shall be disapproved
7 except for failure to comply with the standards set forth in Section
8 11349.1 or for failure to comply with this chapter.

9 (c) If an agency determines, on its own initiative, that a
10 regulation submitted pursuant to subdivision (a) should be returned
11 by the office prior to completion of the office's review, it may
12 request the return of the regulation. All requests for the return of
13 a regulation shall be memorialized in writing by the submitting
14 agency no later than one week following the request. Any
15 regulation returned pursuant to this subdivision shall be resubmitted
16 to the office for review within the one-year period specified in
17 subdivision (b) of Section 11346.4 or shall comply with Article 5
18 (commencing with Section 11346) prior to resubmission.

19 (d) The office shall not initiate the return of a regulation pursuant
20 to subdivision (c) as an alternative to disapproval pursuant to
21 subdivision (b).

22 SECTION 1. Section 68074.5 is added to the Education Code,
23 to read:

24 ~~68074.5. (a) A student who is a member of the Armed Forces~~
25 ~~of the United States or the State Military Reserve or former~~
26 ~~member of the Armed Forces of the United States or the State~~
27 ~~Military Reserve who has received an honorable discharge, a~~
28 ~~general discharge, or an other than honorable discharge shall be~~
29 ~~exempt from paying nonresident tuition at the California State~~
30 ~~University and the California Community Colleges, and is~~
31 ~~requested to be exempt from paying nonresident tuition at the~~
32 ~~University of California. A former member of the Armed Forces~~
33 ~~of the United States or the State Military Reserve who received a~~
34 ~~dishonorable discharge or a bad conduct discharge shall not be~~
35 ~~exempt from paying nonresident tuition pursuant to this section.~~

36 (b) ~~For purposes of this section, "Armed Forces of the United~~
37 ~~States" means the Air Force, Army, Coast Guard, Marine Corps,~~
38 ~~National Guard, Naval Militia, Navy, and the reserve components~~
39 ~~of each of those forces, including the California National Guard.~~

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

O