

AMENDED IN ASSEMBLY AUGUST 23, 2012

AMENDED IN ASSEMBLY AUGUST 20, 2012

AMENDED IN ASSEMBLY JUNE 25, 2012

AMENDED IN SENATE MAY 25, 2012

AMENDED IN SENATE MAY 2, 2012

AMENDED IN SENATE APRIL 9, 2012

**SENATE BILL**

**No. 1466**

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**Introduced by Senator De León**

February 24, 2012

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An act to ~~add and repeal Section 69432.75 of the Education Code, relating to student financial aid~~ *amend Section 830.31 of the Penal Code, relating to peace officers.*

LEGISLATIVE COUNSEL'S DIGEST

SB 1466, as amended, De León. ~~Student financial aid—Cal Grant Program eligibility—Peace officers: City of Los Angeles.~~

*Existing law provides that an officer of the Department of General Services of the City of Los Angeles is a peace officer if he or she is designated by the general manager of the department and his or her primary duty is the enforcement of the law in or about properties owned, operated, or administered by the department or when performing necessary duties with respect to patrons, employees, and properties of the department. A peace officer designated pursuant to those provisions and authorized to carry firearms by the department is required to complete an introductory course of firearm training and requalify for*

*the use of firearms every 6 months, and prohibits the peace officer from carrying a firearm when he or she is not on duty.*

*This bill would instead provide that an officer of the Department of General Services who was transferred to the Los Angeles Police Department is a peace officer if he or she is designated by the Chief of Police of the Los Angeles Police Department, or his or her designee, and the peace officer's primary duty is the enforcement of the law in or about properties owned, operated, or administered by the City of Los Angeles or when performing necessary duties, as specified. The bill would delete the provisions requiring a peace officer designated pursuant to those provisions to requalify for the use of firearms every 6 months, and would also delete the prohibition on carrying firearms while not on duty.*

~~Existing law, the Ortiz-Pacheco-Poochigian-Vasconcellos Cal Grant Program (Cal Grant Program), establishes the Cal Grant A and B Entitlement awards, the California Community College Transfer Entitlement awards, the Competitive Cal Grant A and B awards, the Cal Grant C awards, and the Cal Grant T awards under the administration of the Student Aid Commission, and establishes eligibility requirements for awards under these programs for participating students attending qualifying institutions. The Cal Grant Program establishes different maximum household income levels for recipients of each of those Cal Grant awards.~~

~~This bill would, commencing with the 2014-15 academic year, and notwithstanding any other law, require a student to be eligible for the receipt of a Cal Grant award funded from the Higher Education Investment Tax Credit Program Special Fund pursuant to specified priorities if he or she meets the requirements established for a Cal Grant award for the 2011-12 academic year, except that a student granted the lowest priority may have a maximum household income that is no greater than an amount adopted by the commission pursuant to specified procedures. The bill would state that any moneys that may be appropriated for purposes of this bill would be required to be in addition to, and intended to supplement, other moneys appropriated for the Cal Grant Program. The bill also would provide that those moneys are intended to provide initial and renewal Entitlement and Competitive Cal Grant A and B awards and Cal Grant Transfer Entitlement awards, pursuant to specified priorities, to students who would otherwise be ineligible if not for the expanded eligibility provided by this bill. The bill would provide that awards provided by this bill are payable only~~

~~to the extent that funds are available for distribution, and would require the commission to inform each recipient of an award under this bill that the award is for one academic year only and is not an entitlement and that future awards are subject to the availability of funds for distribution. The bill would repeal this provision on a specified date, and would make specified findings and declarations relating to the need to fund postsecondary education.~~

~~This bill would not become operative until the Franchise Tax Board sends a letter to the Student Aid Commission verifying that legislation has been enacted that provides for an investment tax credit for the purpose of funding this bill.~~

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

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

1     SECTION 1. Section 830.31 of the Penal Code is amended to  
2 read:

3     830.31. The following persons are peace officers whose  
4 authority extends to any place in the state for the purpose of  
5 performing their primary duty or when making an arrest pursuant  
6 to Section 836 as to any public offense with respect to which there  
7 is immediate danger to person or property, or of the escape of the  
8 perpetrator of that offense, or pursuant to Section 8597 or 8598 of  
9 the Government Code. These peace officers may carry firearms  
10 only if authorized, and under the terms and conditions specified,  
11 by their employing agency.

12     (a) A police officer of the County of Los Angeles, if the primary  
13 duty of the officer is the enforcement of the law in or about  
14 properties owned, operated, or administered by his or her  
15 employing agency or when performing necessary duties with  
16 respect to patrons, employees, and properties of his or her  
17 employing agency.

18     (b) A person designated by a local agency as a park ranger and  
19 regularly employed and paid in that capacity, if the primary duty  
20 of the officer is the protection of park and other property of the  
21 agency and the preservation of the peace therein.

22     (c) (1) A peace officer of the Department of General Services  
23 of the City of Los Angeles *who was transferred to the Los Angeles*  
24 *Police Department and designated by the* ~~general manager of the~~

1 ~~department~~ *Chief of Police of the Los Angeles Police Department,*  
2 *or his or her designee,* if the primary duty of the officer is the  
3 enforcement of the law in or about properties owned, operated, or  
4 administered by ~~his or her employing agency~~ *the City of Los*  
5 *Angeles* or when performing necessary duties with respect to  
6 patrons, employees, and properties of ~~his or her employing agency~~  
7 *the City of Los Angeles.* For purposes of this section, “properties”  
8 means city offices, city buildings, facilities, parks, shops, yards,  
9 and warehouses, and the areas adjacent thereto.

10 (2) A peace officer designated pursuant to this subdivision, and  
11 authorized to carry firearms by ~~his or her employing agency~~ *the*  
12 *Los Angeles Police Department,* shall satisfactorily complete the  
13 introductory course of firearm training required by Section 832  
14 and shall requalify in the use of firearms every six months.

15 (3) ~~Notwithstanding any other provision of law, a peace officer~~  
16 ~~designated pursuant to this subdivision who is authorized to carry~~  
17 ~~a firearm by his or her employing agency while on duty shall not~~  
18 ~~be authorized to carry a firearm when he or she is not on duty.~~

19 (d) A housing authority patrol officer employed by the housing  
20 authority of a city, district, county, or city and county or employed  
21 by the police department of a city and county, if the primary duty  
22 of the officer is the enforcement of the law in or about properties  
23 owned, operated, or administered by his or her employing agency  
24 or when performing necessary duties with respect to patrons,  
25 employees, and properties of his or her employing agency.

26 SECTION 1. ~~The Legislature finds and declares all of the~~  
27 ~~following:~~

28 (a) ~~In addressing California’s fiscal crisis, state budget solutions~~  
29 ~~over the last several fiscal years have included deep cuts and~~  
30 ~~payment deferrals that have decimated billions of dollars in funding~~  
31 ~~for all segments of postsecondary education.~~

32 (b) ~~In 2000, the state contributed 18.6 billion dollars to public~~  
33 ~~postsecondary education, and this funding has declined every year~~  
34 ~~since then. In the 2010–11 fiscal year, the state contributed 12.4~~  
35 ~~billion dollars to postsecondary education.~~

36 (c) ~~The share of expenditures borne by students in the form of~~  
37 ~~fees has tripled, from 13 percent in 2000, to 40 percent in 2011,~~  
38 ~~making a public postsecondary education unaffordable for the~~  
39 ~~middle class. Most middle income students are leaving school~~  
40 ~~thousands of dollars in debt, and they end up sending monthly~~

1 payments to out-of-state banks rather than contributing to the local  
2 economy.

3 ~~(d) With less access to postsecondary education due to courses  
4 being cut, each year students are taking longer and longer to  
5 graduate. It now takes the average student 7 years to graduate from  
6 a California Community College, 6.5 years to graduate from a  
7 California State University, and 4.5 years to graduate from a  
8 University of California.~~

9 ~~(e) Educational attainment levels predict the overall economic  
10 performance of states and nations. California was always among  
11 the top states in degree-completion rates, but it now ranks among  
12 the bottom 10 states.~~

13 ~~(f) By 2018, 63 percent of all of jobs in the United States will  
14 require some form of postsecondary education or training,  
15 according to estimates by the Georgetown University Center on  
16 Education and the Workforce. The United States is on track to  
17 deliver only a fraction of this education. Currently, only 38 percent  
18 of America's young adults have a college degree, compared to 58  
19 percent in South Korea.~~

20 ~~(g) California's postsecondary education system has helped  
21 build and sustain an entrepreneurial spirit that has shaped new  
22 sectors of the state's economy. During tough times like these, we  
23 need novel approaches to steer the state back on track.~~

24 ~~(h) Estimates show that the Higher Education Investment Tax  
25 Credit Program Special Fund will be fully subscribed for each of  
26 the five years of the program, allowing the California Student Aid  
27 Commission to expand eligibility for Cal Grant awards for middle  
28 class families.~~

29 ~~(i) All Californians deserve access to an affordable  
30 postsecondary education.~~

31 ~~SEC. 2. Section 69432.75 is added to the Education Code, to  
32 read:~~

33 ~~69432.75. (a) Commencing with the 2014-15 academic year,  
34 and notwithstanding any other law, a student shall be eligible for  
35 the receipt of a Cal Grant award funded from the Higher Education  
36 Investment Tax Credit Program Special Fund pursuant to the  
37 priorities established in subdivision (b) if he or she meets the  
38 requirements established for a Cal Grant award for the 2011-12  
39 academic year, except that for students granted priority pursuant  
40 to paragraph (3) of subdivision (b) the maximum household income~~

1 shall be no greater than the maximum household income level  
2 adopted pursuant to subdivision (d).

3 (b) The commission shall grant the following priorities when  
4 using funds from the Higher Education Investment Tax Credit  
5 Program Special Fund to award Cal Grants to students eligible  
6 pursuant to subdivision (a):

7 (1) First priority shall be given to students who meet the  
8 eligibility requirements established for an Entitlement Cal Grant  
9 A or B award or a Cal Grant Transfer Entitlement award for the  
10 2011–12 academic year.

11 (2) Second priority shall be given to students who meet the  
12 eligibility requirements established for a Competitive Cal Grant  
13 A or B award for the 2011–12 academic year, up to the maximum  
14 number of awards authorized for Competitive Cal Grant A or B  
15 awards in the annual Budget Act.

16 (3) Third priority shall be given to all other students who meet  
17 the eligibility requirements established for an Entitlement Cal  
18 Grant A or B award or a Cal Grant Transfer Entitlement award for  
19 the 2011–12 academic year, except that, notwithstanding  
20 subdivision (k) of Section 69432.7, these students may have a  
21 maximum household income no greater than the maximum  
22 household income level adopted pursuant to subdivision (d).

23 (e) (1) Any moneys that may be appropriated from the Higher  
24 Education Investment Tax Credit Program Special Fund for  
25 purposes of this section shall be in addition to, and are intended  
26 to supplement, other moneys appropriated for the Cal Grant  
27 Program.

28 (2) Any moneys that may be appropriated from the Higher  
29 Education Investment Tax Credit Program Special Fund for  
30 purposes of this section are intended to provide initial and renewal  
31 Entitlement and Competitive Cal Grant A and B awards and Cal  
32 Grant Transfer Entitlement awards, pursuant to the priorities  
33 specified in (b), to students who would otherwise be ineligible if  
34 not for the expanded eligibility provided by this section.

35 (d) Commencing on April 1, 2014, and each April 1 thereafter,  
36 the commission shall certify the funds available for distribution  
37 from the Higher Education Investment Tax Credit Program Special  
38 Fund for the following award year commencing on July 1, adjusted  
39 by the difference between the estimated awards and the actual  
40 awards for the preceding award year. The amount available for

1 distribution in any award year shall not exceed 80 percent of the  
2 fund balance. Notwithstanding any other law, the commission shall  
3 thereafter determine the highest maximum household income level  
4 that is capable of being supported by the funds available for  
5 distribution for the following award year. The commission shall  
6 thereafter adopt that amount as the maximum household income  
7 level for the following award year.

8 (e) If, after making awards for an award year pursuant to this  
9 section, funds remain in the Higher Education Investment Tax  
10 Credit Program Special Fund, those funds shall remain in the  
11 Higher Education Investment Tax Credit Program Special Fund  
12 and be available for allocation in future award years.

13 (f) Awards provided by this section are payable only to the  
14 extent that funds are available for distribution from the Higher  
15 Education Investment Tax Credit Program Special Fund. The  
16 commission shall inform each recipient of an award under this  
17 section that the award is for one academic year only and is not an  
18 entitlement and that future awards are subject to the availability  
19 of funds for distribution in the Higher Education Investment Tax  
20 Credit Program Special Fund.

21 (g) This section shall remain in effect until December 1, 2018,  
22 or until all funds in the Higher Education Investment Tax Credit  
23 Program Special Fund are expended, whichever date comes last,  
24 and as of that date is repealed, unless a later enacted statute, that  
25 is enacted before December 1, 2018, or before the date when all  
26 funds in the Higher Education Investment Tax Credit Program  
27 Special Fund are expended, whichever comes last, deletes or  
28 extends that period.

29 SEC. 3. This act shall not become operative until the Franchise  
30 Tax Board sends a letter to the Student Aid Commission verifying  
31 that legislation has been enacted that provides for an investment  
32 tax credit for the purpose of funding this act.