

AMENDED IN ASSEMBLY MARCH 4, 2015

CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

**ASSEMBLY BILL**

**No. 27**

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**Introduced by Assembly Member Chávez**

December 1, 2014

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An act to amend Section 68075.5 of the Education Code, relating to public postsecondary ~~education~~ *education, and declaring the urgency thereof, to take effect immediately.*

LEGISLATIVE COUNSEL'S DIGEST

AB 27, as amended, Chávez. Public postsecondary education: exemption from nonresident tuition.

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 exempts a student of the California Community Colleges or the California State University who was a member of the Armed Forces of the United States stationed in this state on active duty for more than one year immediately prior to being discharged from paying nonresident tuition for the length of time he or she lives in the state after being discharged up to the minimum time necessary to become a resident.

Existing law also exempts a student meeting the qualifications described above if he or she is enrolled, or intending to enroll, at a campus of the California Community Colleges or as an undergraduate

at a campus of the California State University from paying nonresident tuition for up to one year if he or she files an affidavit with the institution stating that he or she intends to establish residency in California as soon as possible. Existing law requires a student to use this exemption within 2 years of being discharged.

Existing law requires the California Community Colleges and the California State University, and requests the University of California, to update and adopt policies no later than July 1, 2015, regarding tuition rates for eligible veterans and their eligible dependents to ensure conformity to, and compliance with, the federal Veterans Access, Choice, and Accountability Act of 2014 and the requirements of the provisions described above.

~~Existing law prohibits a former member of the Armed Forces who received a dishonorable or bad conduct discharge from receiving an exemption from paying nonresident tuition under either of the provisions described above.~~

~~Existing law provides that the statutory provisions relating to student residency requirements for public postsecondary education apply to the University of California only to the extent that the regents act, by resolution, to make these provisions applicable.~~

~~The bill would require the California State University, and would request the University of California, to exempt from paying nonresident tuition a student or prospective student of their respective segments who is using, or is intending to use, “GI Bill education benefits,” as defined, while enrolled as a student of that segment.~~

~~This bill would require or request, as applicable, that the policies of each segment of public postsecondary education be updated and adopted to also ensure continued participation in GI Bill education benefits, as defined.~~

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

Vote: ~~majority~~<sup>2/3</sup>. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

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

- 1 SECTION 1. Section 68075.5 of the Education Code is
- 2 amended to read:
- 3 68075.5. (a) Except as provided for in subdivisions ~~(b), (e),~~
- 4 ~~(d), and (e),~~ (c) and (d), a student of the California Community

1 Colleges or the California State University who was a member of  
2 the Armed Forces of the United States stationed in this state on  
3 active duty for more than one year immediately prior to being  
4 discharged shall be exempt from paying nonresident tuition for  
5 the length of time he or she lives in this state after being discharged  
6 up to the minimum time necessary to become a resident.

7 (b) (1) Except as provided for in subdivisions ~~(e), (d), and (e)~~,  
8 ~~(c) and (d)~~, a student enrolled, or intending to enroll, at a campus  
9 of the California Community Colleges, or as an undergraduate at  
10 a campus of the California State University, who was a member  
11 of the Armed Forces of the United States stationed in this state on  
12 active duty for more than one year immediately prior to being  
13 discharged shall be exempt from paying nonresident tuition for up  
14 to one year if he or she files an affidavit with the institution at  
15 which he or she is enrolled, or intends to enroll, stating that he or  
16 she intends to establish residency in California as soon as possible.

17 (2) The one-year exemption provided in paragraph (1) shall be  
18 used by the student within two years of being discharged.

19 (c) (1) Notwithstanding any other law, the California  
20 Community Colleges and the California State University shall,  
21 and the University of California is requested to, update and adopt  
22 policies no later than July 1, 2015, regarding tuition rates for  
23 eligible veterans and their eligible dependents to ensure *continued*  
24 *participation in GI bill education benefits, and to ensure*  
25 conformity to, and compliance with, the federal Veterans Access,  
26 Choice, and Accountability Act of 2014 (Public Law 113-146)  
27 and the requirements of this section.

28 ~~(d) (1) Notwithstanding any other law, the California State~~  
29 ~~University shall, and the University of California is requested to,~~  
30 ~~exempt from paying nonresident tuition a student or prospective~~  
31 ~~student of their respective segments who is using, or is intending~~  
32 ~~to use, “GI Bill education benefits” while enrolled as a student of~~  
33 ~~that segment.~~

34 (2) As used in this subdivision, “GI Bill education benefits”  
35 refers to any education benefit administered by the United States  
36 Department of Veterans Affairs pursuant to Title 38 of the United  
37 States Code that is designed to help eligible veterans of the Armed  
38 Forces of the United States or other eligible persons with a  
39 relationship to a veteran of the Armed Forces of the United States

1 to cover the costs associated with enrollment as a student of that  
2 segment.

3 (e)

4 (d) A former member of the Armed Forces of the United States  
5 who received a dishonorable or bad conduct discharge shall not  
6 be eligible for an exemption pursuant to this section.

7 *SEC. 2. 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 ensure the state's compliance with new federal*  
12 *requirements to avoid the loss of federal educational assistance,*  
13 *it is necessary that this act take effect immediately.*