

AMENDED IN SENATE AUGUST 17, 2016

CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

ASSEMBLY BILL

No. 2766

**Introduced by Assembly Member Lopez
(Coauthor: Assembly Member Brown)**

February 19, 2016

An act to amend ~~Section 69510~~ *Sections 69510, 69511, and 69511.5* of the Education Code, relating to student financial aid.

LEGISLATIVE COUNSEL'S DIGEST

AB 2766, as amended, Lopez. Student Aid Commission.

Existing law establishes the Student Aid Commission as the primary state agency for the administration of state-authorized student financial aid programs available to students attending all segments of postsecondary education. Existing law requires the commission to include 2 members, appointed by the Governor, ~~wh~~ *who* are students enrolled in a California postsecondary educational institution.

This bill would instead require the commission to include 4 student members, one from each of the following: the University of California, the California State University, the California Community Colleges, and a California private postsecondary educational institution. *The bill would make conforming and nonsubstantive changes.*

This bill would incorporate additional changes to Section 69511 of the Education Code proposed by AB 2154 that would become operative if this bill and AB 2154 are both enacted and this bill is enacted last.

Vote: majority. 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 69510 of the Education Code is amended
 2 to read:
 3 69510. The Student Aid Commission shall be composed of the
 4 following 17 members:
 5 (a) One representative from public, proprietary, or nonprofit
 6 postsecondary schools located in California.
 7 (b) One representative from a California independent college
 8 or university.
 9 (c) One representative each from the University of California,
 10 the California State University, and the California Community
 11 Colleges.
 12 (d) (1) Four student members, one from each of the following
 13 postsecondary educational institutions:
 14 (A) The University of California.
 15 (B) The California State University.
 16 (C) The California Community Colleges.
 17 (D) A California private postsecondary educational institution.
 18 (2) A student member described in ~~to~~ paragraph (1) shall be
 19 enrolled in the postsecondary educational institution at the time
 20 of appointment, and shall be enrolled in that institution for the
 21 duration of the term. A student member who graduates from an
 22 institution with no more than six months of his or her term
 23 remaining shall be permitted to serve for the remainder of the term.
 24 (e) Three public members.
 25 (f) One representative from a California secondary school.
 26 (g) Two representatives appointed by the Senate Rules
 27 Committee.
 28 (h) Two representatives appointed by the Speaker of the
 29 Assembly.
 30 *SEC. 2. Section 69511 of the Education Code is amended to*
 31 *read:*
 32 69511. (a) Except as provided in subdivision (b), each member
 33 of the commission shall have a four-year term; provided, that
 34 members appointed pursuant to subdivision (d) of Section 69510
 35 shall have terms of two academic years.
 36 (b) The term of one member appointed pursuant to subdivision
 37 (g) of Section 69510 and the term of one member appointed
 38 pursuant to subdivision (h) of Section 69510, effective January 1,

1 1991, shall be for five years. Each subsequent term for members
2 appointed pursuant to this subdivision shall be for four years.

3 ~~(e) At no time shall both student representatives be enrolled in~~
4 ~~the same segment of postsecondary education in California. For~~
5 ~~purposes of this subdivision, each postsecondary education program~~
6 ~~listed in subdivisions (a), (b), and (c) of Section 69510 is a segment~~
7 ~~of postsecondary education in California.~~

8 ~~(d)~~

9 (c) Appointment to the commission of members appointed
10 pursuant to subdivisions (a) to (f), inclusive, of Section 69510 shall
11 be made by the Governor subject to confirmation by the Senate.

12 ~~(e)~~

13 (d) Any vacancy shall be filled by the appointment of a person
14 who will have the same status as the predecessor of the appointee.
15 The appointee shall hold office only for the balance of the
16 unexpired term.

17 ~~(f)~~

18 (e) Each member of the commission shall receive a stipend of
19 one hundred dollars (\$100) for each day in which he or she attends
20 any meeting of the commission or any meeting of any committee
21 or subcommittee of the commission, of which committee or
22 subcommittee he or she is a member, and which committee or
23 subcommittee meeting is conducted for the purpose of carrying
24 out the powers and duties of the commission. In addition, each
25 member shall receive his or her actual and necessary traveling
26 expenses incurred in the course of his or her duties.

27 ~~(g)~~

28 (f) (1) If an act of Congress establishes a program of
29 scholarships or grants for undergraduate students and permits
30 administration of the program within a state by a state agency, the
31 Student Aid Commission, as established by Section 69510, shall
32 administer the act within the state if the Governor and the Student
33 Aid Commission, by a majority vote of its entire membership,
34 determine that the participation by the state in the federal
35 scholarship or grant program under the act would not interfere
36 with or jeopardize the continuation of the scholarship program
37 established under Chapter 1.7 (commencing with Section 69430)
38 of Part 42 of Division 5 of Title 3.

39 The

1 (2) *The* commission shall constitute the state commission on
 2 federal scholarships or grants and is hereby empowered to
 3 formulate a plan for development and administration of any ~~such~~
 4 federal scholarship or grant program within the state.

5 **Subject**

6 (3) *Subject* to the provisions of this chapter, the commission is
 7 hereby vested with all necessary power and authority to cooperate
 8 with the government of the United States, or any agency or
 9 agencies thereof, in the administration of any act of Congress
 10 establishing a scholarship or grant program and the rules and
 11 regulations adopted thereunder.

12 **Before**

13 (4) *Before* adopting a state plan, the ~~Student Aid Commission,~~
 14 *commission*, acting as the state commission on federal scholarships
 15 or grants, shall hold public hearings as provided in the California
 16 Administrative Procedure Act.

17 *SEC. 2.5. Section 69511 of the Education Code is amended to*
 18 *read:*

19 69511. (a) (1) Except as provided in subdivision (b), each
 20 member of the ~~commission~~ *commission, other than a student*
 21 *member*, shall have a four-year ~~term; provided, that members~~
 22 ~~appointed pursuant to subdivision (d) of Section 69510 shall have~~
 23 ~~terms of two academic years. term.~~

24 (2) (A) *A student member appointed pursuant to subdivision*
 25 *(d) of Section 69510 shall have a term of two academic years.*

26 (B) *Upon expiration of the student member's two-year term, if*
 27 *the Governor has not appointed a successor, the student member*
 28 *may remain in office for one additional year or until the Governor*
 29 *appoints a successor, whichever occurs first. The requirements of*
 30 *subdivision (d) of Section 69510 do not apply to a student in the*
 31 *additional year under this paragraph.*

32 (C) *The commission shall notify the appropriate student*
 33 *organization for each segment, as described in Section 69511.5,*
 34 *of a pending student member vacancy no less than three months*
 35 *before the expiration of the term, and of the appropriate student*
 36 *organization's opportunity to submit a list of nominees pursuant*
 37 *to Section 69511.5.*

38 (b) The term of one member appointed pursuant to subdivision
 39 (g) of Section 69510 and the term of one member appointed
 40 pursuant to subdivision (h) of Section 69510, effective January 1,

1 1991, shall be for five years. Each subsequent term for members
2 appointed pursuant to this subdivision shall be for four years.

3 ~~(e) At no time shall both student representatives be enrolled in~~
4 ~~the same segment of postsecondary education in California. For~~
5 ~~purposes of this subdivision, each postsecondary education program~~
6 ~~listed in subdivisions (a), (b), and (c) of Section 69510 is a segment~~
7 ~~of postsecondary education in California.~~

8 ~~(d)~~

9 (c) Appointment to the commission of members appointed
10 pursuant to subdivisions (a) to (f), inclusive, of Section 69510 shall
11 be made by the Governor subject to confirmation by the Senate.

12 ~~(e)~~

13 (d) Any vacancy shall be filled by the appointment of a person
14 who will have the same status as the predecessor of the appointee.
15 The appointee shall hold office only for the balance of the
16 unexpired term.

17 ~~(f)~~

18 (e) (1) Each member of the commission shall receive a stipend
19 of one hundred dollars (\$100) for each day in which he or she
20 attends any meeting of the commission or any meeting of any
21 committee or subcommittee of the commission, of which
22 committee or subcommittee he or she is a member, and which
23 committee or subcommittee meeting is conducted for the purpose
24 of carrying out the powers and duties of the commission. In
25 addition, each member shall receive his or her actual and necessary
26 traveling expenses incurred in the course of his or her duties.

27 (2) *In addition, if a student member who attends a qualifying*
28 *institution, as defined in Section 69432.7, is not the recipient of a*
29 *Cal Grant award, the qualifying institution, as a condition of*
30 *participation in the Cal Grant program, shall waive the student*
31 *member's tuition, up to the maximum award amount for that*
32 *institution, for the duration of the student member's term of office.*

33 ~~(g)~~

34 (f) (1) If an act of Congress establishes a program of
35 scholarships or grants for undergraduate students and permits
36 administration of the program within a state by a state agency, the
37 Student Aid Commission, as established by Section 69510, shall
38 administer the act within the state if the Governor and the Student
39 Aid Commission, by a majority vote of its entire membership,
40 determine that the participation by the state in the federal

1 scholarship or grant program under the act would not interfere
2 with or jeopardize the continuation of the scholarship program
3 established under Chapter 1.7 (commencing with Section 69430)
4 of Part 42 of Division 5 of Title 3.

5 **The**

6 (2) *The* commission shall constitute the state commission on
7 federal scholarships or grants and is hereby empowered to
8 formulate a plan for development and administration of any ~~such~~
9 federal scholarship or grant program within the state.

10 **Subject**

11 (3) *Subject* to the provisions of this chapter, the commission is
12 hereby vested with all necessary power and authority to cooperate
13 with the government of the United States, or any agency or
14 agencies thereof, in the administration of any act of Congress
15 establishing a scholarship or grant program and the rules and
16 regulations adopted thereunder.

17 **Before**

18 (4) *Before* adopting a state plan, the ~~Student Aid Commission,~~
19 *commission*, acting as the state commission on federal scholarships
20 or grants, shall hold public hearings as provided in the California
21 Administrative Procedure Act.

22 *SEC. 3. Section 69511.5 of the Education Code is amended to*
23 *read:*

24 69511.5. (a) Notwithstanding Section 69511, the Governor
25 shall appoint each student member of the Student Aid Commission
26 pursuant to subdivision (d) of Section 69510 from the persons
27 nominated in accordance with the provisions of subdivision (b).

28 (b) For each student member of the commission, the appropriate
29 student organization may submit a list of nominees. The list shall
30 specify not less than three and not more than five nominees. The
31 appropriate student organization for each segment shall be a
32 composite group of at least five representative student government
33 associations, as determined by the commission.

34 ~~(e) The student member appointed to the commission shall not~~
35 ~~be enrolled in the same segment as the outgoing student member~~
36 ~~or in the same segment of the other sitting student member.~~

37 ~~(d)~~

38 (c) Participating student organizations designated in subdivision
39 (b) shall inform students within their respective segment of pending
40 student vacancies on the commission.

1 (e)

2 (d) The person appointed as a student member of the ~~Student~~
3 ~~Aid Commission~~ *commission* pursuant to this section shall be
4 subject to confirmation by the Senate as required in subdivision
5 ~~(d)~~ (c) of Section 69511.

6 *SEC. 4. Section 2.5 of this bill incorporates amendments to*
7 *Section 69511 of the Education Code proposed by both this bill*
8 *and Assembly Bill 2154. It shall only become operative if (1) both*
9 *bills are enacted and become effective on or before January 1,*
10 *2017, (2) each bill amends Section 69511 of the Education Code,*
11 *and (3) this bill is enacted after Assembly Bill 2154, in which case*
12 *Section 2 of this bill shall not become operative.*

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