Assembly Bill No. 1090

Passed the Assembly  May 6, 2019

Chief Clerk of the Assembly

Passed the Senate  September 9, 2019

Secretary of the Senate

This bill was received by the Governor this _____ day of ______________, 2019, at _____ o’clock ____m.

Private Secretary of the Governor
An act to amend Section 68120 of the Education Code, relating to public postsecondary education.

LEGISLATIVE COUNSEL'S DIGEST


Existing law prohibits the Board of Directors of the Hastings College of the Law, the Board of Governors of the California Community Colleges, the Trustees of the California State University, and, if they adopt an appropriate resolution, the Regents of the University of California, from collecting mandatory systemwide tuition and fees from any surviving spouse or surviving child of a deceased person who was a resident of the state and employed by or contracting with a public agency, whose principal duties consisted of active law enforcement service or active fire suppression and prevention, and who died as a result of their duties, as specified.

This bill would additionally prohibit those institutions from collecting or requiring any mandatory campus-based fees from those surviving spouses and children. This requirement would apply to the University of California only if the regents, by resolution, make it applicable. To the extent that this bill would impose new duties on community college districts, it would constitute 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 the statutory provisions noted above.
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 law, no mandatory systemwide fees or tuition or mandatory campus-based fees 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, the Trustees of the California State University, the Board of Governors of the California Community Colleges, or any campus of the University of California, the California State University, or the California Community Colleges from any surviving spouse or surviving child of a deceased person who met all of the following requirements:

(1) The deceased person was a resident of this state.

(2) The deceased person was employed by a public agency or was a contractor, or an employee of a contractor, performing services for a public agency, or was a firefighter employed by the federal government whose duty assignment involved the performance of firefighting services in this state.

(3) The deceased person’s 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 the person 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) The deceased person was killed in the performance of active law enforcement or active fire suppression and prevention duties, died as a result of an accident or an injury caused by external violence or physical force incurred in the performance of the person’s active law enforcement or active fire suppression and prevention duties, or died as a result of an industrial injury or illness arising out of and in the course of active law enforcement or fire suppression and prevention duties.

(b) Notwithstanding subdivision (a), a person who qualifies for the waiver of mandatory systemwide fees and tuition and mandatory campus-based fees 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 or as a student at a community college campus.

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

(3) “Spouse” has the same meaning as defined in Section 22171.

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

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

(B) A surviving stepchild who meets both of the following requirements:

(i) The stepchild was living or domiciled with the deceased person at the time of the deceased person’s death.

(ii) The stepchild was claimed on the tax form most recently filed by the deceased person prior to that person’s death, or the stepchild received 50 percent or more of the stepchild’s support from that deceased person in the tax year immediately preceding the death of the deceased person, or both.

SEC. 2. If the Commission on State Mandates determines that this act contains costs mandated by the state, reimbursement to local agencies and school districts for those costs shall be made pursuant to Part 7 (commencing with Section 17500) of Division 4 of Title 2 of the Government Code.
Approved ______________________, 2019

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Governor