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SB-701 Public postsecondary education: federal GI Bill: nonresident tuition: real property. (2021-2022)

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Date Published: 07/16/2021 09:00 PM

Senate Bill No. 701

CHAPTER 110

An act to amend Sections 68075.7, 89705, 89706, and 89707 of the Education Code, and to amend Section 14673 of the Government Code, relating to public postsecondary education.

[Approved by Governor July 16, 2021. Filed with Secretary of State July 16, 2021.]

LEGISLATIVE COUNSEL'S DIGEST

SB 701, Committee on Education. Public postsecondary education: federal GI Bill: nonresident tuition: real property.

(1) Effective for academic terms beginning after July 1, 2019, existing law exempts a student enrolled at a campus of the California Community Colleges or the California State University from paying nonresident tuition or any other fee that exclusively applies to nonresident students if the student resides in California, meets the definition of "covered individual" under federal law, and is eligible for education benefits under 3 specified categories of beneficiaries under the federal GI Bill, as the federal law read on January 1, 2019. After the expiration of a 3-year period following a discharge under federal law, existing law deems such a student as maintaining "covered individual" status as long as the student remains continuously enrolled, as defined, at a campus, and requires the student to continue to be exempt from paying the tuition and fees described above.

This bill would instead provide, effective for academic terms beginning on or after August 1, 2021, in conformity with federal law enacted on January 5, 2021, that eliminated the requirement of the expiration of a 3-year period, that such a student is deemed to maintain "covered individual" status as long as the student remains eligible for any of the 3 federal GI Bill programs referenced above.

To the extent that this provision would create new duties for community college districts, the bill would impose a state-mandated local program.

(2) Existing law establishes the various campuses of the California State University under the administration of the Trustees of the California State University. Existing law authorizes the Trustees of the California State University to waive entirely, or reduce below the rate, or the minimum rate, the tuition fee of a nonresident student who is both a citizen and a resident of a foreign country and not a citizen of the United States, and who attends a state university or college under a student exchange program, as specified.

This bill would eliminate the requirement that the nonresident student receiving the exemption under this provision not be a citizen of the United States.

(3) Existing law authorizes the Trustees of the California State University, on the basis of demonstrated financial need and scholastic achievement, to waive entirely, or reduce below the rate, or the minimum rate, the tuition fee of a nonresident student who is a citizen and resident of a foreign country, who is either an undergraduate student of exceptional scholastic ability and prior scholastic achievement who is enrolled in a course of study of at least 10 semester units, or who is a graduate student of

exceptional scholastic ability and prior scholastic achievement who is employed 20 or more hours per week by a state university or is enrolled in a course of study of at least 10 semester or quarter units.

This bill would instead authorize the trustees to waive or reduce the tuition fee of the nonresident students meeting the requirements described above who are enrolled in a full-time course of study.

(4) Existing law authorizes the transfer of jurisdiction of real property owned by the state from one state agency to another state agency with the written approval of the Director of General Services. Where the state interest in real property is not under the jurisdiction of any specified state agency, existing law authorizes the Department of General Services to act as the transferring agency. Existing law requires the recorder in each county in which any portion of real property so transferred is located to record the transfer without a fee, as provided.

This bill would add the California State University, as defined, to the definition of "state agency" for the purposes of these real property transfer provisions.

By requiring counties to record these real property transfers without a fee, this bill would impose a state-mandated local program.

(5) 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.

Vote: majority Appropriation: no Fiscal Committee: yes Local Program: yes

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. Section 68075.7 of the Education Code is amended to read:

68075.7. Notwithstanding any other law:

(a) Effective for academic terms beginning on or after August 1, 2021, a student enrolled at a campus of the California Community Colleges or the California State University who meets all of the following requirements shall be exempt from paying nonresident tuition or any other fee that is exclusively applicable to nonresident students:

(1) The student resides in California.

(2) The student meets the definition of "covered individual," as that term is defined in Section 3679(c)(2) of Title 38 of the United States Code.

(3) The student is eligible for education benefits under the federal Montgomery GI Bill—Active Duty program (Chapter 30 (commencing with Section 3001) of Title 38 of the United States Code), the Veterans Readiness and Employment program (Chapter 31 (commencing with Section 3100) of Title 38 of the United States Code), or the Post-9/11 GI Bill program (Chapter 33 (commencing with Section 3301) of Title 38 of the United States Code), as each read on January 5, 2021.

(b) A student who qualifies for an exemption from paying nonresident tuition and other applicable fees under paragraph (2) of subdivision (a) shall be deemed to maintain "covered individual" status as long as the student remains continuously enrolled at a campus, even if the student enrolls in multiple programs, and the student shall continue to be exempt from paying nonresident tuition and other fees that are exclusively applicable to nonresident students. As used in this section, "continuously enrolled" means enrolled for at least the fall and spring semesters of an academic year, or for at least three of the quarters in an academic year for an institution using the quarter system.

(c) The attendance of a community college student who is exempt from paying nonresident tuition and other fees pursuant to this section may be reported by the community college district of attendance for apportionment purposes.

SEC. 2. Section 89705 of the Education Code is amended to read:

89705. (a) Except as provided in subdivision (c), and as otherwise specially provided, an admission fee and rate of tuition fixed by the trustees shall be required of each nonresident student. The rate of tuition to be paid by each nonresident student, as defined in Section 68018, shall not be less than three hundred sixty dollars (\$360) per year. The rate of tuition paid by each nonresident student who is a citizen and resident of a foreign country and not a citizen of the United States, except as otherwise specifically provided, shall be fixed by the trustees and shall not be less than three hundred sixty dollars (\$360) per year.

(b) The trustees may waive entirely, or reduce below the rate, or the minimum rate, fixed by this section, the tuition fee of a nonresident student who is a citizen and resident of a foreign country and who attends a state university or college under an agreement entered into by a governmental agency or a nonprofit corporation or organization with a similar agency, or corporation or association, domiciled in and organized under laws of a foreign country, where a principal purpose of the agreement is to encourage the exchange of students with the view of enhancing international good will and understanding. The trustees shall, in each instance, determine whether the conditions for this exemption from fees exist and may prescribe appropriate procedures to be complied with in obtaining the exemption.

(c) The trustees shall waive entirely the admission fee and rate of tuition fixed under this section for a nonresident student who is a United States citizen who resides in a foreign country, if that nonresident meets all of the following requirements:

(1) Demonstrates a financial need for the exemption.

(2) Has a parent or guardian who has been deported or was permitted to depart voluntarily under the federal Immigration and Nationality Act in accordance with Section 1229c of Title 8 of the United States Code. The student shall provide documents from the United States Citizenship and Immigration Services evidencing the deportation or voluntary departure of the student's parent or guardian.

(3) Moved abroad as a result of the deportation or voluntary departure specified in paragraph (2).

(4) Lived in California immediately before moving abroad. The student shall provide information and evidence that demonstrates the student previously lived in California.

(5) Attended a public or private secondary school, as described in Sections 52 and 53, in the state for three or more years. The student shall provide documents that demonstrate the student's secondary school attendance.

(6) Upon enrollment, will be in the student's first academic year as a matriculated student in California public higher education, as that term is defined in subdivision (a) of Section 66010, will be living in California, and will file an affidavit with the institution stating that the student intends to establish residency in California as soon as possible.

SEC. 3. Section 89706 of the Education Code is amended to read:

89706. (a) The trustees may, on the basis of demonstrated financial need and scholastic achievement, waive entirely, or reduce below the rate, or the minimum rate, fixed by Section 89705, the tuition fee of a nonresident student, as defined in Section 68018, who is a citizen and resident of a foreign country, who is an undergraduate student of exceptional scholastic ability and prior scholastic achievement, and who is enrolled in a full-time course of study.

(b) The number of reductions and waivers granted by the trustees under this section shall at no time exceed 7.5 percent of the nonresident undergraduate students who are citizens and residents of a foreign country, then enrolled in the California State University.

SEC. 4. Section 89707 of the Education Code is amended to read:

89707. (a) The trustees may, on the basis of demonstrated financial need and scholastic achievement, waive entirely, or reduce below the rate, or the minimum rate, fixed by Section 89705, the tuition fee of a nonresident student or a nonresident student, as defined in Section 68018, who is a citizen and resident of a foreign country, who is a graduate student of exceptional scholastic ability and prior scholastic achievement, and who, while not employed full time by a state university, is employed 20 hours or more a week by a state university or is enrolled in a full-time course of study.

(b) The number of reductions and waivers granted by the trustees under this section shall at no time exceed 25 percent of the nonresident graduate students, including nonresident graduate students who are citizens and residents of a foreign country, then enrolled in the California State University.

SEC. 5. Section 14673 of the Government Code is amended to read:

14673. (a) (1) The jurisdiction of real property owned by the state may be transferred from one state agency to another state agency with the written approval of the director. For purposes of this section only, and as provided in Section 66606.2 of the Education Code, "state agency" shall include the California State University, provided that the California State University consents to the transfer.

(2) In connection with a transfer made pursuant to this subdivision, the director may authorize the payment of the consideration that the director deems proper from available funds of the receiving agency to the transferring agency.

(b) Where the interest the state owns in real property is not under the jurisdiction of any specified state agency, the department may act as the transferring agency.

(c) Upon request and without fee, the recorder of each county in which any portion of real property so transferred is located shall record any instruments executed in connection with such a transfer.

SEC. 6. 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.