

AMENDED IN SENATE APRIL 5, 2021

AMENDED IN SENATE MARCH 22, 2021

SENATE BILL

No. 701

**Introduced by Committee on Education (Senators Leyva (Chair),
Cortese, Dahle, Glazer, McGuire, Ochoa Bogh, and Pan)**

February 19, 2021

An act to amend Sections 68075.7, ~~89305.1~~, 89705, 89706, and 89707 of the Education Code, and to amend Section 14673 of the Government Code, relating to public postsecondary education.

LEGISLATIVE COUNSEL'S DIGEST

SB 701, as amended, Committee on Education. Public postsecondary education: federal GI Bill: ~~California State University~~. *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, and authorizes the establishment of student body organizations in connection with the operations of California State University campuses.~~

~~Existing law, the Gloria Romero Open Meetings Act of 2000, generally requires a legislative body, as defined, of a student body organization to conduct its business in a meeting that is open and public. The act authorizes the legislative body to use teleconferencing, as defined, for the benefit of the public and the legislative body in connection with any meeting or proceeding authorized by law. If the legislative body elects to use teleconferencing, the act requires the legislative body to post agendas at all teleconference locations and conduct teleconference meetings in a manner that protects the statutory and constitutional rights of the parties or the public appearing before the legislative body. The act requires each teleconference location to be identified in the notice and agenda of the meeting or proceedings and be accessible to the public. The act provides that each member of a legislative body who attends a meeting of that legislative body where an action is taken in violation of any provision of the act, with knowledge that the meeting is in violation of a provision of the act, is guilty of a misdemeanor.~~

~~This bill would limit the requirement that each teleconference location be identified in the notice and agenda of the meeting or proceedings and be accessible to the public to those teleconference locations that are in a public place. The bill would expressly prohibit a student’s personal information and location from being disclosed when the student teleconferences from a private residence.~~

~~(3)~~

~~(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.

(4)

(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.

(5)

(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 control or in possession of any specified state agency, *existing law authorizes* the Department of General Services ~~may~~ 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.

(6)

(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.
State-mandated local program: yes.

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

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

3 68075.7. Notwithstanding any other law:

4 (a) Effective for academic terms beginning on or after August
5 1, 2021, a student enrolled at a campus of the California
6 Community Colleges or the California State University who meets
7 all of the following requirements shall be exempt from paying
8 nonresident tuition or any other fee that is exclusively applicable
9 to nonresident students:

10 (1) The student resides in California.

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

14 (3) The student is eligible for education benefits under the
15 federal Montgomery GI Bill–Active Duty program (Chapter 30
16 (commencing with Section 3001) of Title 38 of the United States
17 Code), the Veterans Readiness and Employment program (Chapter
18 31 (commencing with Section 3100) of Title 38 of the United
19 States Code), or the Post-9/11 GI Bill program (Chapter 33
20 (commencing with Section 3301) of Title 38 of the United States
21 Code), as each read on January 5, 2021.

22 (b) A student who qualifies for an exemption from paying
23 nonresident tuition and other applicable fees under paragraph (2)
24 of subdivision (a) shall be deemed to maintain “covered individual”
25 status as long as the student remains continuously enrolled at a
26 campus, even if the student enrolls in multiple programs, and the
27 student shall continue to be exempt from paying nonresident tuition
28 and other fees that are exclusively applicable to nonresident
29 students. As used in this section, “continuously enrolled” means
30 enrolled for at least the fall and spring semesters of an academic

1 year, or for at least three of the quarters in an academic year for
2 an institution using the quarter system.

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

7 ~~SEC. 2.—Section 89305.1 of the Education Code is amended to~~
8 ~~read:~~

9 ~~89305.1. (a) A legislative body of a student body organization~~
10 ~~shall conduct its business in public meetings. All meetings of the~~
11 ~~legislative body shall be open and public, and all persons shall be~~
12 ~~permitted to attend any meeting of the legislative body, except as~~
13 ~~provided in this article.~~

14 ~~(b) (1) As used in this article:~~

15 ~~(A) “Legislative body” means any or all of the following:~~

16 ~~(i) The governing body of any entity formed or operating~~
17 ~~pursuant to Section 89300.~~

18 ~~(ii) The governing body of any statewide student organization~~
19 ~~that represents either California State University students or the~~
20 ~~governing bodies of the student body organizations of California~~
21 ~~State University campuses, or both.~~

22 ~~(iii) A commission, committee, board, subboard, or other body,~~
23 ~~permanent or temporary, created by charter, resolution, or formal~~
24 ~~action of a legislative body described in clause (i) or (ii). However,~~
25 ~~an advisory committee is not a legislative body, except that a~~
26 ~~standing committee of a legislative body, irrespective of its~~
27 ~~composition, that has a continuing subject matter jurisdiction, or~~
28 ~~a meeting schedule established by charter, resolution, or formal~~
29 ~~action of a legislative body is a legislative body for purposes of~~
30 ~~this article.~~

31 ~~(B) “Meeting” includes any congregation of a majority of the~~
32 ~~membership of a legislative body at the same time and place to~~
33 ~~hear, discuss, or deliberate upon any item that is within the subject~~
34 ~~matter jurisdiction of the legislative body to which it pertains.~~
35 ~~“Meeting” does not include, and this section does not impose the~~
36 ~~requirements of this article upon, any of the following:~~

37 ~~(i) Individual contacts or conversations between a member of~~
38 ~~a legislative body and any other person.~~

39 ~~(ii) The attendance of a majority of the members of a legislative~~
40 ~~body at a conference or similar gathering open to the public that~~

1 involves a discussion of issues of general interest to the public or
2 to higher education of the type represented by the legislative body
3 if a majority of the members do not discuss among themselves,
4 other than as a part of the scheduled program, business of a
5 specified nature that is within the subject matter jurisdiction of the
6 legislative body. This clause is not intended to allow members of
7 the public free admission to a conference or similar gathering at
8 which the organizers have required other participants or registrants
9 to pay fees or charges as a condition of attendance.

10 (iii) ~~The attendance of a majority of the members of a legislative~~
11 ~~body at an open and noticed meeting of another body or entity~~
12 ~~created or formed by the legislative body if a majority of the~~
13 ~~members do not discuss among themselves, other than as a part~~
14 ~~of the scheduled meeting, business of a specific nature that is within~~
15 ~~the subject matter jurisdiction of the legislative body.~~

16 (iv) ~~The attendance of a majority of the members of a legislative~~
17 ~~body at a purely social or ceremonial occasion if a majority of the~~
18 ~~members do not discuss among themselves business of a specific~~
19 ~~nature that is within the subject matter jurisdiction of the legislative~~
20 ~~body.~~

21 (2) ~~For the purposes of this section, “teleconference” means a~~
22 ~~meeting of a legislative body, the members of which are in different~~
23 ~~locations, connected by electronic means, through audio or video,~~
24 ~~or both.~~

25 (e) (1) ~~Notwithstanding any other law, the legislative body may~~
26 ~~use teleconferencing for the benefit of the public and the legislative~~
27 ~~body in connection with any meeting or proceeding authorized by~~
28 ~~law. The teleconferenced meeting or proceeding shall comply with~~
29 ~~all requirements of this chapter and all otherwise applicable law.~~

30 (2) ~~Teleconferencing, as authorized by this section, may be used~~
31 ~~for all purposes in connection with any meeting within the subject~~
32 ~~matter jurisdiction of the legislative body. All votes taken during~~
33 ~~a teleconferenced meeting shall be by rollcall.~~

34 (3) ~~If the legislative body elects to use teleconferencing, it shall~~
35 ~~post agendas at all teleconference locations and conduct~~
36 ~~teleconference meetings in a manner that protects the statutory~~
37 ~~and constitutional rights of the parties or the public appearing~~
38 ~~before the legislative body. Each teleconference location that is in~~
39 ~~a public place shall be identified in the notice and agenda of the~~
40 ~~meeting or proceeding and be accessible to the public. The agenda~~

1 shall provide an opportunity for members of the public to address
2 the legislative body directly pursuant to Section 89306 at each
3 teleconference location. A student's personal information and
4 location shall not be disclosed when the student teleconferences
5 from a private residence.

6 ~~(d) This section shall not prohibit a student body organization~~
7 ~~from providing the public with additional teleconference locations.~~

8 ~~(e) A legislative body shall not take action, either preliminary~~
9 ~~or final, by secret ballot.~~

10 ~~SEC. 3.~~

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

13 89705. (a) Except as provided in subdivision (c), and as
14 otherwise specially provided, an admission fee and rate of tuition
15 fixed by the trustees shall be required of each nonresident student.
16 The rate of tuition to be paid by each nonresident student, as
17 defined in Section 68018, shall not be less than three hundred sixty
18 dollars (\$360) per year. The rate of tuition paid by each nonresident
19 student who is a citizen and resident of a foreign country and not
20 a citizen of the United States, except as otherwise specifically
21 provided, shall be fixed by the trustees and shall not be less than
22 three hundred sixty dollars (\$360) per year.

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

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

40 (1) Demonstrates a financial need for the exemption.

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

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

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

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

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

23 ~~SEC. 4.~~

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

26 89706. (a) The trustees may, on the basis of demonstrated
27 financial need and scholastic achievement, waive entirely, or reduce
28 below the rate, or the minimum rate, fixed by Section 89705, the
29 tuition fee of a nonresident student, as defined in Section 68018,
30 who is a citizen and resident of a foreign country, who is an
31 undergraduate student of exceptional scholastic ability and prior
32 scholastic achievement, and who is enrolled in a full-time course
33 of study.

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

1 ~~SEC. 5.~~

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

4 89707. (a) The trustees may, on the basis of demonstrated
5 financial need and scholastic achievement, waive entirely, or reduce
6 below the rate, or the minimum rate, fixed by Section 89705, the
7 tuition fee of a nonresident student or a nonresident student, as
8 defined in Section 68018, who is a citizen and resident of a foreign
9 country, who is a graduate student of exceptional scholastic ability
10 and prior scholastic achievement, and who, while not employed
11 full time by a state university, is employed 20 hours or more a
12 week by a state university or is enrolled in a full-time course of
13 study.

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

19 ~~SEC. 6.~~

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

22 14673. (a) (1) The jurisdiction of real property owned by the
23 state may be transferred from one state agency to another state
24 agency with the written approval of the director. For purposes of
25 this section only, and as provided in Section 66606.2 of the
26 Education Code, “state agency” shall include the California State
27 University, provided that the California State University consents
28 to the transfer.

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

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

36 (c) Upon request and without fee, the recorder of each county
37 in which any portion of real property *so* transferred ~~pursuant to~~
38 ~~subdivision (a)~~ is located shall record any instruments executed
39 in connection with such a transfer.

1 ~~SEC. 7.~~

2 *SEC. 6.* If the Commission on State Mandates determines that
3 this act contains costs mandated by the state, reimbursement to
4 local agencies and school districts for those costs shall be made
5 pursuant to Part 7 (commencing with Section 17500) of Division
6 4 of Title 2 of the Government Code.

O