

Date of Hearing: April 12, 2016

ASSEMBLY COMMITTEE ON HIGHER EDUCATION

Jose Medina, Chair

AB 2164 (O'Donnell) – As Introduced February 17, 2016

SUBJECT: Public postsecondary education: tuition and fees.

SUMMARY: Specifies that an eligible survivor, as specified, of a firefighter or law enforcement officer, who died as a result of an industrial injury or illness arising out of and in the course of active fire suppression and prevention or active law enforcement duties, shall not be charged mandatory tuition or fees of any kind by the University of California (UC) Regents, the Board of Directors of the Hastings College of Law, or the California State University (CSU) Trustees.

EXISTING LAW:

- 1) Provides that no mandatory systemwide fees be required by the UC Regents, the Board of Directors of Hastings College of Law, or CSU Trustees, from any surviving spouse or child, of a deceased person, who met all of the following requirements:
 - a) He or she was a resident of this state;
 - b) He or she was employed by a public agency, or was a contractor, or an employee of a contractor, performing services for a public agency;
 - c) His or her principal duties consisted of active law enforcement service or active fire suppression and prevention; and,
 - d) He or she was killed in the performance of active law enforcement or active fire suppression and prevention duties, or died as a result of an accident or an injury caused by external violence or physical force, incurred in the performance of his or her active law enforcement or active fire suppression and prevention duties (Education Code (EC) Section 68120).
- 2) Requires that any determination of eligibility, as specified, shall be consistent with any findings of the Workers' Compensation Appeals Board, using the same procedures as in workers' compensation hearings, as to whether the death of the person, as specified, was industrial (EC 68120.5).
- 3) Provides various workers' compensation benefits for firefighters, police officers, sheriffs, and their survivors in case of death for injuries and illness caused by the long terms exposures they face in their line of work, including, but not limited to:
 - a) Cancer and leukemia that manifest during the time of active employment and up to 10 years after being employed as a work-related illness (Labor Code (LAB) Section 3212.1);
 - b) Tuberculosis that manifests during the time of active employment and up to six year after being employed as a presumed work-related illness (LAB Section 3212.6); and,

- c) Blood-born infectious diseases or specified skin infections that manifest during the time of active employment and up to six years after being employed as a presumed work-related illness (LAB Section 3212.8).

FISCAL EFFECT: Unknown

COMMENTS: *Background.* The Alan Pattee Scholarship Act of 1970 was created in order to assist surviving family members of firefighters and law enforcement officers who died in the line of duty. The Act waives all mandatory tuition and fees at the public postsecondary institutions of learning for these survivors.

Throughout the almost 50 years of the creation of the Act, California's workers' compensation laws have been amended to reflect other serious occupational hazards firefighters and law enforcement officers face, besides fire debris and bullets. Workers' compensation laws today provide for benefits to these public safety officers who also endure the cumulative effect of exposure to toxic materials.

However, the Act has not been updated to reflect the workers' compensation changes.

Purpose of this measure. According to information provided by the author, tuition and fee waivers for eligible survivors have been "inconsistently awarded both within a single system and across the varying segments." The author states, "Currently, the Alan Pattee Scholarship Act does not recognize the long term health hazards and harm that firefighters and police officers face through the course of their careers, providing the fee waiver to survivors only if the firefighter or police officer 'was killed in the performance of active law enforcement or active fire suppression and prevention duties, or died as a result of an accident or an injury caused by external violence or physical force, incurred in the performance of his or her active law enforcement or active fire suppression and prevention duties.'"

Additionally, when the Act was amended in 1999, it only spoke to the eligible survivors being waived mandatory systemwide fees. The author contends that in the wake of various campuses being able to charge campus based student success fees, some eligible survivors are being charged fees, and others are not.

This measure amends the Act to specify eligible survivors shall have all fees and tuition waived.

Furthermore, this bill makes it clear that survivors of firefighters and law enforcement officers who died from a work-related illness are eligible for all elements of the Act; and, conforms the Education Code regarding firefighters and law enforcement officers' benefits to reflect those found in the Labor and Government Codes.

How many are benefiting? It is presently unclear as to the full number of eligible survivors who have been awarded a full waiver. Committee staff understands that anecdotally, the number is rather small for various reasons, among others, that not all eligible survivors have been awarded the scholarship under the Act at various campuses. However, according to information provided by the author, during the 2013-14 academic year, 39 eligible survivors enrolled at the CSU received the scholarship.

Related legislation. AB 2166 (Cooper), which will be heard in this Committee today, is similar in nature to this measure.

Committee consideration. As stated above, AB 2166 is similar in nature to this measure; however, this measure seeks to correct necessary changes to in order to align the Act with current workers' compensation and other labor laws.

The Committee may wish to consider if it is prudent to pass out two bills similar in nature, instead of one comprehensive measure; and, encourage the authors of both measures to jointly author the more comprehensive measure.

REGISTERED SUPPORT / OPPOSITION:**Support**

American Federation of State, County and Municipal Employees (AFSCME), Local 685
Association for Los Angeles Deputy Sheriffs
California Association of Highway Patrolmen (CAHP)
California Fire Chiefs Association (CFCA)
California Labor Federation
California Police Chiefs Association
California Professional Firefighters (Sponsor)
California State Firefighters' Association
Fire Districts Association of California (FDAC)
Laborers' International Union of America (LiUNA), Local 792
Los Angeles County Probation Officers' Union
Los Angeles Police Protective League
Peace Officers Research Association of California
Riverside Sheriffs' Association

Opposition

None on file.

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