

Date of Hearing: April 3, 2018

ASSEMBLY COMMITTEE ON HIGHER EDUCATION

Jose Medina, Chair

AB 2554 (Bonta) – As Amended March 12, 2018

SUBJECT: Public postsecondary education: exemption from mandatory systemwide tuition and fees: surviving child or spouse of a federal firefighter

SUMMARY: Expands an existing exemption from mandatory tuition and fees at the University of California (UC), the Hastings College of Law, the California State University (CSU), and the California Community Colleges—for an eligible survivor of a state or local public agency firefighter or law enforcement officer who died in the line of duty—to apply to an eligible survivor of a firefighter employed by the federal government who was a resident of California and whose duty assignment involved firefighting in California.

EXISTING LAW:

- 1) Provides that no mandatory systemwide fees be required by the UC Regents, the Board of Directors of Hastings College of Law, the CSU Trustees, or the Board of Governors of the CCC 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 state or local 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, died as a result of an accident or an injury caused by external violence or physical force during the performing those duties, or died as a result of an industrial injury or illness arising out of and in the course of performing those 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 Sect. 68120.5)
- 3) Provides various workers' compensation benefits for firefighters, police officers, sheriffs, and their survivors in case of death from injuries and illnesses, such as cancer, leukemia, tuberculosis, and blood-borne infectious diseases or skin infections, caused by long-term exposures encountered in the workplace. (Labor Code Sections 3212.1, 3212.6, 3212.8)

FISCAL EFFECT: Expanding the eligibility pool for tuition and fee waivers would result in unknown revenue losses to UC, Hastings, CSU, and the CCC.

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 systemwide fees at UC, Hastings, CSU and the CCC for these survivors. Chapter 435/Statutes of 2016 (AB 2164, O'Donnell) expanded the eligibility for this tuition exemption to survivors of firefighters and law enforcement officers who died as a result of an industrial injury or illness arising out of and in the course of performing their duties. The purpose of AB 2164 was to update the Pattee Act for consistency with current workers' compensation law, thus reflecting other serious occupational hazards that firefighters and law enforcement officers can face, including the cumulative effect of exposure to toxic materials.

Purpose. The author indicates that the state's federal firefighters are an integral part of the state's mutual aid firefighting network, and that they equally risk everything to protect the state from devastating fires and disasters. The author therefore argues that the eligible survivors of fallen federal firefighters should receive the same tuition and fee waiver exemption provided to the survivors of fallen state and local firefighters. As with current law, the firefighters whose spouses and dependents would gained eligibility under this bill would have to have been California residents.

Federal Education Benefits. The Public Safety Officers Educational Assistance (PSOEA) Program, pursuant to Federal Law Enforcement Dependents Assistance Act of 1996, provides assistance with higher education expenses to spouses and children of federal, state, or local police, fire, and emergency public safety officers killed or permanently and totally disabled in the line of duty. A surviving spouse is eligible for benefits anytime during his or her lifetime, and a surviving child is eligible until his or her 27th birthday. PSOEA funds may be used to defray expenses for tuition, room and board, book, supplies, and education-related fees for up to 45 months of full-time college attendance. The PSOEA benefit for full-time attendance is currently \$1,041 per month. Funding for this program is subject to annual appropriation by Congress.

Issue for Consideration. The Pattee Act currently applies to both law enforcement personnel and firefighters. The expansion of eligibility proposed in AB 2554 pertains to only federal firefighters. If the committee believes such expansion is appropriate, as a matter of consistency, should the survivors of federal law enforcement personnel in California who die in the line of duty also be made eligible for tuition and fee waivers?

Related Legislation. AB 2990 (Low), also on today's committee agenda, requires each UC, CSU, and CCC campus to place a link on the campus website, as specified, describing the availability of the tuition and fee exemption to those eligible under the Pattee Act.

REGISTERED SUPPORT / OPPOSITION:

Support

California Professional Firefighters (sponsor)
California State Firefighters' Association
Camp Pendleton Professional Firefighters

Opposition

None on file.

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