

Date of Hearing: April 12, 2016

ASSEMBLY COMMITTEE ON HIGHER EDUCATION

Jose Medina, Chair

AB 2166 (Cooper) – As Introduced February 17, 2016

**SUBJECT:** Public postsecondary education: waiver of mandatory campus-based fees.

**SUMMARY:** Requires the University of California (UC) Regents, the Board of Directors of the Hastings College of Law, the California State University (CSU) Trustees, or any campus of the UC or CSU to excuse any mandatory campus-based fees for eligible survivors, as specified, of a firefighter or law enforcement officer, who 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 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.

**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.

*Purpose of this measure.* According to the author, "There is ambiguity in the law [The Alan Pattee Scholarship Act] inasmuch as the statute exempts surviving relatives from systemwide tuition and fees, but leaves these individuals subject to mandatory campus wide fees levied by an individual campus."

The author contends that this measure will clarify that eligible survivors of law enforcement and fire fighters killed in the line of duty are exempt from paying campus-wide fees when attending a UC or CSU campus.

*How many have fallen?* According to information provided by the author, from 2010 – 2015, 54 peace officers and 90 firefighters were killed in the line of duty. The author assumes if each of the fallen has a college-aged child attending a UC or CSU, it would yield 24 new students per year.

*Related legislation.* AB 2164 (O'Donnell), which will be heard in this Committee today, is similar in nature to this measure.

*Committee consideration.* As stated above, AB 2164 is similar in nature to this measure; however, AB 2164 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**

California Association of Highway Patrolmen  
California Correctional Peace Officers Association  
California Police Chiefs Association  
California State Sheriffs' Association (Sponsor)  
Los Angeles County Professional Peace Officers Association

### **Opposition**

None on file.

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