

Date of Hearing: April 24, 2012

ASSEMBLY COMMITTEE ON VETERANS AFFAIRS

Paul J. Cook, Chair

AB 2478 (Hayashi) – As Amended: April 9, 2012

SUBJECT: Student residency requirements: veterans

SUMMARY: The measure alters the residency requirements for discharged servicemembers who wish to attend California Community Colleges (CCC) Specifically, this bill:

Entitles a community college student who:

1. Was a member of the Armed Forces of the United States; and
2. Stationed in this state on active duty;
3. For more than one year immediately prior to being discharged,
4. To be exempt from paying non-resident tuition for the length of time he or she lives in this state after being discharged up to four years, if
5. He or she files an affidavit with the community college stating that he or she intends to establish residency in California as soon as possible.

EXISTING LAW: Entitles a student who was a member of the Armed Forces of the United States stationed in this state on active duty for more than one year immediately prior to being discharged to resident classification for the length of time he or she lives in this state after being discharged up to the minimum time necessary to become a resident.

FISCAL EFFECT: Unknown at this time.

COMMENTS: It is common for military personnel to move often and not change their legal residency every time they move. "Legal residency," or "domicile" refers to the place where a military member intends to return to and live after discharge or retirement, and which they consider their "permanent home." Legal residency determines what local (state) tax laws a military member is subject to, and in which local (city, county, state) elections the servicemember may vote, among other things.

In recognition of the difficulties of military service and the sacrifices of servicemembers existing California law assists the discharged military student who wants to stay in California and go to school. Current California law says the military student, once discharged, can pay resident tuition until the student has stayed long in California enough to establish residency (normally one year). Then the student becomes a resident or chooses not to (it is not automatic). There may only be one legal state of residence, so in order to become a resident of California for tuition purposes, residency must be relinquished in the former state of residence for the student. This bill would allow the student to forgo becoming a resident of California while still obtaining the benefit of resident tuition.

Existing law strikes a balance, allowing students to pay resident fees while on active duty and for approximately a year after, giving time to establish residency. This existing one-year exemption applies however, only to students who were stationed in California for one year prior to discharge. This bill will extend a similar exemption to veteran students and spouses even if they

were not stationed here for one year prior to their discharge. The exemption will also now extend to a full four years post discharge. Students however must file an affidavit declaring their intention to establish residency as soon as possible.

Related legislation. AB 2250 (Gaines) would remove the one-year residency requirement for veterans and their spouses who file an affidavit of intent to establish residency. AB 38 (Salas, 2009), which died in the Assembly Appropriations Committee, would have waived nonresident tuition for one year. SB 272 (Runner), Chapter 356, Statutes of 2007, as introduced would have waived the one-year residency requirement for former military members. This provision was deleted from the chaptered version. AB 2472 (Wyland) of 2006, was substantially similar to this bill and was held in the Assembly Appropriations Committee.

REGISTERED SUPPORT / OPPOSITION:

Support

Orange County Community Colleges Legislative Task Force
Rancho Santiago Community College District
Coast Colleges
North Orange County Community College District
South Orange County Community College District
American Legion- Department of California
AMVETS- Department of California
California Association of County Veteran Service Officers
California State Commanders Veterans Council
Vietnam Veterans of America- California State Council

Support if amended

California Community Colleges Chancellor's Office

Opposition

None at this time.

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