

ASSEMBLY BILL

No. 774

**Introduced by Assembly Member Cook
(Coauthor: Assembly Member Emmerson)**

February 26, 2009

An act to amend Section 76361.1 of the Education Code, relating to community colleges.

LEGISLATIVE COUNSEL'S DIGEST

AB 774, as introduced, Cook. Riverside Community College District: transportation fees.

(1) Existing law establishes the California Community Colleges, under the administration of the Board of Governors of the California Community Colleges, as one of the segments of public postsecondary education in this state. Existing law establishes community college districts throughout the state, and authorizes them to maintain campuses at which instruction is provided to students.

Existing law authorizes the governing boards of the Los Rios, Peralta, and Rio Hondo community college districts to require that a transportation service fee be paid only by students and employees using the services, or, in the alternative, by various groups of people, upon the favorable vote of a majority of the people in the affected groups. Existing law prohibits these governing boards from entering into, or extending, a contract for transportation services, funded by the proceeds of a transportation fee and provided by a common carrier or a municipally owned transit system, unless specified conditions are met.

This bill would grant the Riverside Community College District that transportation fee authority.

(2) An existing provision of the California Constitution provides that a local or special statute is invalid in any case if a general statute can be made applicable.

The bill would express a finding and declaration of the Legislature that, due to unique circumstances relating to the transportation services utilized by the community served by the Riverside Community College District, a general statute cannot be made applicable, and the enactment of this bill as a special statute is therefore necessary.

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

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

1 SECTION 1. Section 76361.1 of the Education Code is
2 amended to read:

3 76361.1. (a) This section applies only to the Los Rios, Peralta,
4 and Rio Hondo, *and Riverside* community college districts.

5 (b) Notwithstanding any other provision of law, a district to
6 which this section applies may require that a fee authorized by
7 subdivision (a) of Section 76361 for transportation services be
8 paid only by students and employees using the services, or, in the
9 alternative, by any of the following groups of people:

10 (1) Upon the favorable vote of a majority of the students and a
11 majority of the employees of a campus of the district, who voted
12 at an election on the question of whether or not the governing
13 board should require all students and employees at the campus to
14 pay a fee for transportation services for a period of time to be
15 determined by the governing board of the district, the fees may be
16 required to be paid by all students, other than those students who
17 are exempt from the fees pursuant to paragraph (1) of subdivision
18 (c), and all employees of the campus of the community college
19 district.

20 (2) Upon the favorable vote of a majority of the students at a
21 campus of the district, who voted at an election on the question of
22 whether or not the governing board should require all students to
23 pay a fee for transportation services for a period of time to be
24 determined by the governing board of the district, the fees may be
25 required to be paid by all students, other than those students who
26 are exempt from the fees pursuant to paragraph (1) of subdivision

1 (c), at the campus of the community college district. However, the
2 employees shall not be entitled to use the services.

3 (3) Upon the favorable vote of a majority of the students at a
4 campus of the district taking a specified number of course credits
5 for a specified duration, to be determined by the governing board,
6 who voted at an election on the question of whether or not the
7 governing board should require all students taking that prescribed
8 number of course credits to pay a fee for transportation services
9 for a period of time to be determined by the governing board of
10 the district, the fees may be required to be paid by those students
11 taking the prescribed number of course credits, except those
12 students who are exempt from the fees pursuant to paragraph (1)
13 of subdivision (c), at the campus of the community college district.
14 However, the employees shall not be entitled to use the services.

15 (c) (1) If, pursuant to Section 76361, a fee is required of
16 students for transportation services, any fee required of a part-time
17 student shall be a pro rata lesser amount than the fee charged to
18 full-time students, depending on the number of units for which the
19 part-time student is enrolled. Notwithstanding any other provision
20 of law, the governing board of a community college district to
21 which this section applies that provides for transportation services
22 may adopt rules and regulations to exempt low-income students
23 from this fee, or to require low-income students to pay all or part
24 of this fee.

25 (2) Notwithstanding any other provision of law:

26 (A) The governing board of a community college district to
27 which this section applies shall not enter into, or extend, a contract
28 for transportation services provided by a common carrier or a
29 municipally owned transit system, funded by the proceeds of a fee
30 authorized under this section, unless and until a majority of the
31 students of that district who vote in an election, held no more than
32 10 years prior to the date of the expiration of the contract proposed
33 to be entered into or no more than 10 years prior to the date to
34 which it is proposed that an existing contract be extended, have
35 approved the payment of the fee for this purpose. An election held
36 pursuant to this subparagraph shall be held in accordance with
37 regulations adopted by the board of governors to ensure that the
38 election is publicly noticed and that all students, including
39 full-time, part-time, evening, and weekend students, have an
40 opportunity to vote in the election.

1 (B) If the governing board of a community college district to
2 which this section applies decides to seek to terminate or alter the
3 arrangements under which the district receives transportation
4 services from a common carrier or municipally owned transit
5 system, the governing board shall provide at least 12 months'
6 notice of that intention to the provider of transportation services.

7 (d) A community college district to which this section applies
8 is subject to subdivisions (d), (e), and (f) of Section 76361.

9 SEC. 2. The Legislature finds and declares that, due to unique
10 circumstances relating to the transportation services utilized by
11 the community served by the Riverside Community College
12 District, a general statute cannot be made applicable, and the
13 enactment of Section 1 of this act as a special statute is therefore
14 necessary.