

AMENDED IN SENATE JULY 9, 2009

CALIFORNIA LEGISLATURE—2009—10 REGULAR SESSION

**ASSEMBLY BILL**

**No. 774**

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**Introduced by Assembly Member Cook**  
**(Coauthor: Assembly Member Emmerson Coauthors: Assembly**  
**Members Emmerson and Portantino)**  
*(Coauthors: Senators Huff, Lowenthal, and Romero)*

February 26, 2009

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

LEGISLATIVE COUNSEL'S DIGEST

AB 774, as amended, Cook. ~~Riverside Community College District:~~  
*Community college districts:* transportation fees.

~~(1) Existing~~

*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~~ *expand* that transportation fee authority *to include any community college district.*

~~(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 ~~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 *76361.1. (a) Notwithstanding any other law, a community*  
8 *college district may require that a fee authorized by* subdivision  
9 (a) of Section 76361 for transportation services be paid only by  
10 students and employees using the services, or, in the alternative,  
11 by any of the following groups of people:

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

1 (2) Upon the favorable vote of a majority of the students at a  
2 campus of the district, who voted at an election on the question of  
3 whether or not the governing board should require all students to  
4 pay a fee for transportation services for a period of time to be  
5 determined by the governing board of the district, the fees may be  
6 required to be paid by all students, other than those students who  
7 are exempt from the fees pursuant to paragraph (1) of subdivision  
8 ~~(e)~~ (b), at the campus of the community college district. However,  
9 the employees shall not be entitled to use the services.

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

23 ~~(e)~~

24 (b) (1) If, pursuant to Section 76361, a fee is required of  
25 students for transportation services, any fee required of a part-time  
26 student shall be a pro rata lesser amount than the fee charged to  
27 full-time students, depending on the number of units for which the  
28 part-time student is enrolled. Notwithstanding any other provision  
29 of law, the governing board of a community college district to  
30 which this section applies that provides for transportation services  
31 may adopt rules and regulations to exempt low-income students  
32 from this fee, or to require low-income students to pay all or part  
33 of this fee.

34 (2) Notwithstanding any other provision of law:

35 (A) The governing board of a community college district to  
36 which this section applies shall not enter into, or extend, a contract  
37 for transportation services provided by a common carrier or a  
38 municipally owned transit system, funded by the proceeds of a fee  
39 authorized under this section, unless and until a majority of the  
40 students of that district who vote in an election, held no more than

1 10 years prior to the date of the expiration of the contract proposed  
 2 to be entered into or no more than 10 years prior to the date to  
 3 which it is proposed that an existing contract be extended, have  
 4 approved the payment of the fee for this purpose. An election held  
 5 pursuant to this subparagraph shall be held in accordance with  
 6 regulations adopted by the board of governors to ensure that the  
 7 election is publicly noticed and that all students, including  
 8 full-time, part-time, evening, and weekend students, have an  
 9 opportunity to vote in the election.

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

16 ~~(d)~~

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

19 ~~SEC. 2. The Legislature finds and declares that, due to unique~~  
 20 ~~circumstances relating to the transportation services utilized by~~  
 21 ~~the community served by the Riverside Community College~~  
 22 ~~District, a general statute cannot be made applicable, and the~~  
 23 ~~enactment of Section 1 of this act as a special statute is therefore~~  
 24 ~~necessary.~~